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1 **APPEARANCES:**

2 FOR THE PLAINTIFF:

3 CHRISTOPHER N. CHENG, ESQ.
4 MATTHEW DONNELLY, ESQ.
5 SARAH G. STEEGE, ESQ.
6 LAURA L. COWALL, ESQ.
7 HELEN VERA, ESQ.
8 MITZI DEASE-PAIGE, ESQ.

9 FOR THE DEFENDANTS:

10 NICHOLAS F. MORISANI, ESQ.
11 JAMES W. SHELSON, ESQ.
12 TONY R. GAYLOR, ESQ.
13 RAYFORD G. CHAMBERS, ESQ.
14 JOHN C. HALL, II, ESQ.
15 REUBEN ANDERSON, ESQ.

16 ALSO PRESENT:

17 ANTHONY NJOKU
18 MICHAEL DENAULT
19 ELIZABETH SIMPSON
20 DAVID PARRISH
21 CREDELL CALHOUN
22 SYNARUS GREEN
23 SHERIFF TYREE JONES
24 LESLIE FAITH JONES
25 CINDY MOHAN

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1 **IN OPEN COURT, FEBRUARY 14, 2022**

2
3 THE COURT: Make sure your microphone is on.

4 Okay. Exhibits what, Mr. Cheng?

5 MR. CHENG: I believe they are Plaintiff's Exhibits 34
6 through 41, the monitoring reports 9 through 15 and the
7 interim reports.

8 THE COURT: I guess I should do this. We're going to
9 call the case first. I'm sorry. This is United States of
10 America vs. Hinds County, et al., Cause No.
11 3:16-cv-489-CWR-RHWR.

12 And I assume everyone has given the court reporter your
13 names and stuff already. If not, we do need to go around the
14 table to make sure everybody's identified.

15 Okay. Mr. Cheng, will you identify the persons on your
16 team, please.

17 MR. CHENG: This is Christopher Cheng, C-h-e-n-g. We
18 also have Helen Vera, V-e-r-a; Laura Cowall, C-o-w-a-l-l;
19 Sarah Steege, S-t-e-e-g-e; Mitzi Paige with the U.S.
20 Attorney's Office, P-a-i-g-e. We also have Michael Denault,
21 who is assisting us with the trial presentation software.
22 Also in the courtroom, we have Matthew Donnelly, who just
23 entered his notice of appearance, and Anthony Njoku,
24 N-j-o-k-u.

25 THE COURT: Okay. Mr. Donnelly entered an appearance

1 yesterday or today, I think.

2 MR. CHENG: Yes.

3 THE COURT: Okay. Okay. Well, let me give the
4 defendants the courtesy of announcing who's here for them,
5 please. Good morning.

6 MR. SHELSON: Good morning, Your Honor. For the
7 defendants, I'm Jim Shelson; Attorney Nick Morisani; Attorney
8 Reuben Anderson; Cindy Mohan, Ms. Mohan is a paralegal;
9 Attorney John Hall, Your Honor; Sheriff Tyree Jones; and
10 Attorney Tony Gaylor.

11 THE COURT: Okay. Thank you.

12 Now, Mr. Cheng, we'll go back to your housekeeping
13 matters. You say Exhibits 34 through 41.

14 MR. CHENG: Yes, Your Honor. We move to admit them.

15 THE COURT: Which are the monitor's reports 9 through
16 15 and the interim report, which would be Plaintiff's
17 Exhibit 40.

18 What says the defendant?

19 MR. SHELSON: Your Honor, the defendants understand the
20 Court's already ruled on this issue, but the defendants
21 maintain their objections.

22 THE COURT: Okay. All right. The Court has ruled that
23 those will be admitted into evidence.

24 (Plaintiff's Exhibits 34-41 entered.)

25 THE COURT: Hold on for a second. Okay. Mr. Cheng.

1 MR. CHENG: The parties also have an issue about
2 sealing some exhibits, Your Honor. The United States and the
3 defendants would like to seal U.S. Exhibits 19, 32, 88 through
4 90.

5 THE COURT: Hold on. Hold on. Okay.

6 MR. CHENG: And defendants have asked to seal Exhibits
7 34, Defense Exhibit 39, and Defense Exhibit 41.

8 THE COURT: Okay. Both parties agreed to seal 19, 32,
9 88, 89, 90; that's fine. You said the Government seeks to
10 seal 34?

11 MR. CHENG: Both parties are willing to seal
12 Defendant's Exhibits 34, 39, and 41.

13 THE COURT: Okay. Those exhibits will be placed under
14 seal and will be handled accordingly.

15 MR. CHENG: The third issue, Your Honor, is the
16 sequestration of witnesses. The United States would like to
17 confirm that experts can stay in and observe the proceedings,
18 including the monitor and her team, and Ms. Bryan.

19 The other issue we'd like to raise about sequestration
20 is whether defendants have designated who their party
21 representatives should be. We spoke a little bit this morning
22 with Mr. Shelson. We feel that there should only be one party
23 representative for each of the defendants, and one for the
24 County board, and one of the sheriff, and they should be their
25 designated representative for the whole week.

1 And the other issue related to sequestration, Your
2 Honor, is one to determine what the rule would be from the
3 Court. I think there are several options: One is that nobody
4 should be allowed to sit in court; nobody should be allowed to
5 view transcripts or watch on video; nobody should be allowed
6 to have someone tell them what happened in court; and once a
7 witness is on the stand, no one should be allowed to talk to
8 them about the substance of their testimony. So that's sort
9 of our reading of the rule and what we would like, but we have
10 not gotten an agreement with the defendants.

11 THE COURT: Well, obviously the rule will be invoked.
12 That rule does not apply to experts. And it will not apply to
13 the monitors, whether they're going to be experts or not. I
14 understand there's been some disagreement as to whether they
15 will be experts, but that rule will not apply to the monitors.

16 Now, with respect to the other witnesses, who is the
17 County -- who is the representative for Hinds County?

18 MR. GAYLOR: Your Honor, this morning the County's
19 representative today is Mr. Stephen Hopkins, who is the
20 director of administration for Hinds County. Obviously, we
21 also have the sheriff for the Sheriff's Department.

22 THE COURT: Okay.

23 MR. GAYLOR: But we do expect later this week to have
24 the Hinds County Board president as well as perhaps Mr. Kenny
25 Jones, the -- Hinds County's administrator.

1 THE COURT: One or the other, or both? I mean, I guess
2 both at different times or --

3 MR. GAYLOR: Correct. The Board president will be here
4 primarily, but, of course, Mr. Jones will be in the courtroom
5 as well.

6 THE COURT: And when you say "Mr. Jones," you're
7 talking about --

8 MR. GAYLOR: Kenny Wayne Jones.

9 THE COURT: That's Attorney Tony Gaylor. I'm sorry.

10 The parties have a right to designate whom will be
11 their representatives, and those representatives -- the County
12 can choose to have whoever its representative is on any given
13 day or at any given hour. So they can have multiple
14 representatives, but only one representative will be in court
15 at any given time. Now -- and, obviously, those
16 representatives will be able to discuss whatever they need to
17 discuss with their lawyers, what they've heard in court or at
18 all, because I cannot interfere with that attorney-client
19 relationship.

20 However, the parties -- if the sequestration order is
21 in place, obviously, the lawyers know how to instruct their
22 clients with respect to communicating with others about the
23 testimony that has occurred in the courtroom on any given day.

24 So -- and any witnesses who are nonexpert witnesses or
25 party representatives will not be permitted to hear any

1 portion of the trial unless that person has either testified
2 or has been fully released as a witness. So that's what the
3 ruling of the Court is.

4 MR. CHENG: Your Honor, the other housekeeping matter
5 is about notice for witnesses. We have not been able to come
6 to agreement with the defendants on how much advance notice we
7 should give each other at each hearing day. We would like to
8 have at least 24 hours of notice before they call their
9 witnesses. So, for example, we notified them on Saturday who
10 we would be calling today. We would like 24-hour notice on
11 who they will be calling when it's their turn to call
12 witnesses. I'm sorry. We notified them yesterday.

13 THE COURT: Okay.

14 MR. CHENG: The issue also is because they've
15 identified quite a few witnesses, but they're all listed as
16 "may call witnesses"; they have not submitted any "will call
17 witnesses," which makes it very hard for us to prepare for who
18 they're going to be calling if they don't tell us.

19 THE COURT: Well, obviously the parties have been
20 before me before -- well, maybe -- you-all have not, but some
21 of you have, and the courteous thing to do in making sure that
22 these are orderly proceedings is for persons to identify what
23 witnesses will be coming up on the next day of trial. It only
24 makes sense. I realize this case is slightly different from
25 others in that there's not been much discovery taken and

1 typically parties will know who the witnesses are and what
2 they might generally say, but in this instance, I guess, you
3 don't have that, so...

4 MR. SHELSON: Your Honor, may I address this point?

5 THE COURT: Yes.

6 MR. SHELSON: I don't want the Court to be left with
7 the impression that we've stonewalled on this issue. What we
8 offered was for the first day of the party's case in chief,
9 each side gives each other 24 hours' notice of who they'll
10 call their first day of their case in chief. We said we'd do
11 that. We're going to do that. We also said that at the end
12 of each trial date, we're willing to tell each other who the
13 witnesses are the next day. We remain fully willing to do
14 that. We think it's a reasonable approach, and it's worked
15 well in other cases. And they want more notice, but we think
16 the notice we're more than willing to give them is more than
17 sufficient, and it's in line with what Your Honor just alluded
18 to.

19 THE COURT: Right. I expect you-all to tell each other
20 who the witnesses are at the next day of the trial, and that
21 can be done at the close of the existing day of trial. For
22 example, I expect that the Government today will let you know
23 who the witnesses are -- and I know we have two governments
24 here. I would expect that the United States would say who its
25 witnesses are for tomorrow by -- at some portion today, to

1 disclose that to you, and when the -- and when -- if the -- if
2 Hinds County elects to put on evidence, it will let the United
3 States know the expected witnesses to be called the next day.
4 And even in what order, if you know at that time, but at least
5 the witnesses. So that's how we typically do it here in this
6 courtroom, Mr. Cheng, so that's how we'll do it today.

7 MR. CHENG: Yes, Your Honor. Just to clarify. So when
8 they designate, will they also be designating these are will
9 calls and not just simply saying --

10 THE COURT: No, these will be witnesses who they expect
11 will be called for the next day.

12 MR. CHENG: And I think --

13 THE COURT: Hold on.

14 MR. SHELSON: Yes, Your Honor. If we tell somebody
15 we're calling them the next day, we're going to call them the
16 next day. Yes, sir.

17 THE COURT: Right. Right. Yeah.

18 MR. CHENG: And I think the last issue for housekeeping
19 is whether there is a public link to this hearing.

20 THE COURT: You need to speak into your microphone.
21 Come up to your microphone. I'm trying to do everything I can
22 do to avoid people having to take off their masks. So -- and
23 part of that is, we have set up a courtroom next door; right,
24 Mr. Paige? Okay. Part of that is, we may reduce the number
25 of people in this courtroom. There's audio and video

1 available in that adjacent courtroom because we do have a lot
2 of people in here, and I'm very sensitive to the COVID
3 omicron -- whatever the next version might be. So we're going
4 to try to keep on our masks as much as possible, but if the
5 court reporter cannot hear you or understand, I will allow you
6 to remove your mask. And the witnesses, obviously, will be
7 testifying without the mask on.

8 MR. CHENG: Thank you, Your Honor.

9 THE COURT: You may proceed, Mr. Cheng.

10 MR. CHENG: I think that might actually answer the
11 question. We were just trying to check if there was going to
12 be a Zoom link or something like that for --

13 THE COURT: There's not a Zoom link. We've made this
14 proceeding accessible to the public by having the courtroom
15 next door open, and persons who are sitting in that courtroom
16 will have audio feed and video feed, so they will be able to
17 see what's happening. But there's nothing that allows the
18 public to see from a distance. They still have to come into
19 the courtroom.

20 MR. CHENG: That's fine. Thank you, Your Honor. I
21 think that's the last housekeeping matter for the U.S.

22 Oh, Your Honor, I guess that is one question regarding
23 two of the monitor witnesses, Dr. Dudley and Mr. Moeser. I
24 believe they're permitted to testify from offsite because of
25 their --

1 THE COURT: They are. And we will -- we have -- I
2 think we've arranged for that to happen. They are -- will be
3 testifying offsite, and we will be able to see and hear them.

4 MR. CHENG: Is there any way for them to listen in on
5 the hearing just as with the monitor who's permitted to remain
6 in the courtroom? Is there any way for those monitor
7 subject-matter experts to listen in on the hearing? The age
8 of COVID, Your Honor, always something new.

9 THE COURT: Yeah. We'll have to take a break to
10 discuss that. You would be asking them to be here for the
11 entire time, I presume?

12 MR. CHENG: Yes.

13 THE COURT: And I stand corrected. There is no video
14 feed next door. There's just audio feed. We'll have to take
15 a break to take up that particular issue, but there is one
16 other issue. I know there has been an objection with respect
17 to the monitors being experts. There's also an objection, I
18 think, the -- with respect to the defendants. The
19 defendants -- I think the United States -- in addition to the
20 monitors being an expert, the United States says that Major
21 Bryan is an expert. And so we -- and I presume there's still
22 disagreement about that; is that correct?

23 MR. SHELSON: As far as the defendants know, Your
24 Honor, that's still correct.

25 THE COURT: I'm sorry?

1 MR. SHELSON: As far as the defendants know, that's
2 still correct.

3 THE COURT: Then, that's an issue we might need to take
4 up, because I presume if Ms. Bryan is not an expert, she's a
5 regular witness, and she'll be subject to the sequestration
6 order. She's not been designated by a party as a party
7 representative. So let's talk about whether she's an expert,
8 Mr. Cheng.

9 MR. CHENG: Your Honor, I don't think she's been
10 designated as a party representative. She is just an
11 independent individual. But the United States does believe
12 she should be designated as an expert. I believe there is a
13 motion to strike pending. I'm going to defer to Mr. Donnelly
14 to address this issue about the monitors and the experts.

15 THE COURT: Okay. That's fine. I only need to take it
16 up now, I think, because of the sequestration issue.

17 MR. DONNELLY: Good morning again, Your Honor. Matt
18 Donnelly for the United States. I guess the major question is
19 whether the defendants' former jail administrator is an
20 expert.

21 THE COURT: Yes, sir.

22 MR. DONNELLY: I believe that they hired her as a jail
23 administrator under the assumption of her subject matter
24 expertise, so that sort of takes care of that provision.
25 Personally, I don't understand what the objection would be to

1 her testifying as an expert.

2 THE COURT: Well, let me hear from the defendants as to
3 the number of and litany of reasons why their former employee
4 ought not be an expert for the other side.

5 MR. SHELSON: May I come to the podium?

6 THE COURT: Yes, you may, Mr. Shelson. And we have the
7 Clorox wipes there for you-all to use and wipe the area down
8 between persons, if necessary.

9 MR. SHELSON: May I proceed, Your Honor?

10 THE COURT: Yes, you may.

11 MR. SHELSON: And if Your Honor can't hear me, please
12 let me know.

13 Your Honor, as I understand, the issue immediately is
14 whether Kathryn Bryan should be permitted to testify as an
15 expert. She should not, Your Honor. The issue isn't simply
16 whether she's an expert; it's whether, assuming she is, her
17 opinions were adequately disclosed in compliance with Rule 26.
18 They weren't, Your Honor. They -- she was designated by the
19 plaintiff as a nonretained expert. Nonretained experts don't
20 have to write Rule 26 reports, but, Your Honor, Rule 26
21 requires the disclosure of, one, the subject matter of the
22 witness's testimony and, two, a summary of the witness's
23 opinions.

24 Even if the Court construes the expert disclosures the
25 plaintiff made, I believe, on last Friday as disclosing the

1 subject matter of Ms. Bryan's testimony, which we dispute,
2 there's absolutely no summary in the expert disclosure of her
3 opinions. To this day, we don't have a summary of Ms. Bryan's
4 opinions in any form.

5 Your Honor, the plaintiff's expert disclosure is
6 Exhibit 1 to the defendants' motion to strike, which is
7 ECF-134. And, of course, the Court's free to examine that
8 document. There is no disclosure of a summary of Ms. Bryan's
9 opinion in the plaintiff's expert disclosure. There's no
10 written report. The defendants simply, to this day, have no
11 summary of the opinions that Ms. Bryan purports to offer.

12 The issue of whether she is an expert in some subject
13 matter is not the issue of whether she should be permitted to
14 testify. The rule isn't if you're an expert, then you
15 automatically get to testify. If you're a retained expert,
16 you have to write a Rule 26 report. If you're a nonretained
17 expert, you still have to disclose the subject matter and the
18 summary of the opinion. That has not been done with respect
19 to Ms. Bryan. Particularly, there's no disclosure of her
20 purported opinion, and therefore, Your Honor, we respectfully
21 submit that Ms. Bryan should not be permitted to testify as an
22 expert.

23 Subject to any questions the Court may have, Your
24 Honor, that concludes my argument.

25 THE COURT: Thank you, Mr. Shelson.

1 MR. SHELSON: Thank you, Your Honor.

2 THE COURT: Now, Mr. Donnelly, you may respond.

3 MR. DONNELLY: Your Honor, when we originally made our
4 disclosure, we thought it was plain that the defendants would
5 know based on the circumstances of their former jail
6 administrator leaving that the opinion she was going to give
7 about her experiences there were going to be negative.
8 Apparently, that was not the case; so we attempted to, in our
9 response, make it a little bit more clear. And what we've
10 done, we've laid out that her facts and opinions are going to
11 be that defendants have not met the requirements of the
12 consent decree. And particularly regarding her, the
13 requirements regarding the role of the jail administrator,
14 which she certainly has expertise to talk about that, and also
15 opinions about defendant's general efforts to resisting her
16 efforts to obtain compliance with the consent decree.

17 And so we think that our opinions have been fairly
18 disclosed. The rule just requires a summary. It doesn't
19 require a line-by-line list of every possible opinion she
20 might give.

21 THE COURT: Why does the United States need her to
22 offer opinion? I'm looking at what -- at Docket No. 134-1.
23 You've identified Ms. Bryan as the former jail administrator.
24 "She will testify about facts and opinions developed in the
25 course of her work at the Jail and her personal observations."

1 If you strike the word "opinions," then it's all fact with
2 respect to "developed in the course of work at the Jail and in
3 her personal observations."

4 Your next sentence says, "She will testify about the
5 defendants' compliance efforts." A fact witness -- I mean,
6 you know, she can testify about what the defendants did with
7 respect to the compliance efforts, barriers to reform,
8 planning, and leadership. These are things she observed,
9 witnessed, participated in, and all that.

10 And then you say, "She may testify about conditions in
11 the Jail," which is something that she saw, something that she
12 was in the middle of, something that she was responsible for
13 trying to take care of, I presume. "Staffing and
14 supervision," again, something that she was in the middle of.
15 "Jail security," something that the jail administrator is in
16 the middle of. "Staff training; leadership -- staff training;
17 leadership and operations of the sheriff's department;
18 physical plant, maintenance and fire safety; use of force,
19 incident reporting, and investigations; and policy development
20 and implementation."

21 Why do we need opinion evidence from her on those
22 things when you have the monitors, number one, but you also
23 have her. Couldn't she testify about all the facts, all the
24 observations she had, all the interactions she had with
25 others, and with respect to what her role was in trying to, in

1 her mind, either, you know, take the necessary steps to do
2 whatever's necessary with each administration, with each
3 sheriff, whatever it is? Why is it necessary for her to offer
4 opinion evidence on these things in the United States' view?

5 MR. DONNELLY: Your Honor, we listed her as a
6 nonretained expert as sort of an abundance of caution. I
7 think what is likely going to happen is she will testify about
8 her work as the jail administrator, and she's going to testify
9 that she's gotten resistance regarding that. And as part of
10 that testimony, she will, expecting, likely give testimony
11 about, this is what a normal jail administrator is allowed to
12 do; this is the amount of resistance they should or should not
13 get from, you know, the sheriff.

14 THE COURT: But she could testify that with respect to
15 her experience in the capacity of being a jail administrator.
16 If that evidence becomes relevant, she can testify about that
17 without being an expert; right?

18 MR. DONNELLY: I guess if Your Honor is saying so, then
19 that sounds fine to me. I just -- out of an abundance of
20 caution, we were -- if that is an expert opinion -- in my
21 experience, a jail administrator, and this is the minimum that
22 a jail administrator is allowed to do, and if that's not an
23 expert opinion and we all agree on that, then that sounds
24 fine.

25 Your Honor, I've obviously just been handed a note as

1 well.

2 THE COURT: No problem.

3 MR. DONNELLY: I think she also has expertise as a jail
4 administrator about remedies. That's what jail administrators
5 do; they fix problems. And she's going to have, I think,
6 subject-matter expertise as a jail administrator on the
7 appropriate remedies should the defendants be found to still
8 have current and ongoing violations.

9 THE COURT: You were trailing off.

10 MR. DONNELLY: Moving to the last one, so that was the
11 problem. She will obviously have -- as a jail administrator
12 with the expertise in how to fix jails, would have relevant
13 subject-matter expert testimony about the potential remedies
14 this court should enter if there's a liability finding and if
15 there's a contempt.

16 And just to make it even a little bit more plain, Your
17 Honor. Your Honor has suggested, and it's certainly on the
18 table, whether or not a receivership is something that should
19 be a result. And as the jail administrator, she probably has
20 subject-matter opinion, expert, about whether or not a
21 receivership here is appropriate and necessary as somebody who
22 both worked there and also has the expertise about what it
23 takes to get jails into compliance with federal law.

24 THE COURT: So if that's the case -- if that -- if it's
25 exclusively dealing with what the remedy might be, then could

1 we deal with that portion of the -- should we deal with that
2 portion separately from -- from what we're here about today?
3 I mean, sort of -- in our minds, sort of bifurcate, at least,
4 remedy from liability of having to terminate the consent
5 decree, because that's why we're here now. We're also here --
6 I understand, I've already found the County in contempt and
7 we're going to have to deal with remedy. Can remedy we
8 separated from the finding of whether the consent decree
9 itself ought to be terminated?

10 MR. DONNELLY: Are you -- I apologize, Your Honor. Are
11 you suggesting that we're going to come back and have another
12 remedy hearing?

13 THE COURT: No, no, not another remedy hearing, but
14 could we take up the evidence as to remedy separate from the
15 evidence that's going to -- will be the bulk of the evidence?
16 I mean, can we?

17 MR. DONNELLY: I mean, I don't think so, Your Honor.
18 And the reason why I say that is my impression of what the
19 monitoring team is going to testify to is they will also be
20 giving expert opinions on a remedy --

21 THE COURT: A remedy.

22 MR. DONNELLY: -- and whether or not -- what's
23 appropriate. And so, if they're going to testify that way, I
24 would say that the former jail administrator should also be
25 able to testify that way.

1 THE COURT: But they'll -- but I think, though, to
2 defendant's point, I understand they hired Major Bryan
3 because -- there are many statements as to why they hired
4 Major Bryan. She was the Michael Jordan of the outfit and,
5 you know, all those glowing things that they've said about
6 her. But at this point, though, to defendant's point, without
7 knowing exactly what she might say, in summary or otherwise,
8 how would it be fair to them that one of their former
9 employees provide expert testimony about this particular case?

10 MR. DONNELLY: If I understand the question, how is it
11 fair to the defendants --

12 THE COURT: How is it fair to the defendants if one of
13 their former employees providing expert testimony about --
14 offer expert testimony in this case when they have not been
15 given any idea what that expert testimony will be in summary
16 fashion like the rules require?

17 MR. DONNELLY: Well, I guess as far as remedy, Your
18 Honor, I apologize if it wasn't clear. I believe she will
19 testify as things currently stand, that the remedy should be a
20 receivership. And to the extent that's not correct, I
21 apologize.

22 THE COURT: I mean, for example, nothing in the summary
23 that's been provided by the United States that's directed
24 toward what it is -- the disclosures that are given under
25 subparagraph (e) of 134-1 says anything about her opinions,

1 about what the remedy might be, for example. It says, "Her
2 opinions developed in the course of her work at the Jail and
3 her personal observations." It does not say that she believes
4 that a receivership, for example, is necessary because of all
5 the things I've observed as an employee or as the jail
6 administrator at the facility. And I presume the monitors
7 will be offering that type of testimony, and we'll have
8 argument on counsel because I asked -- everybody has provided,
9 like the Court requested, the names of potential receivers in
10 this case.

11 So after hearing the evidence, I assume the parties
12 will be in a position to argue that after the evidence -- I
13 mean during the course of -- you know, I think I told the
14 parties on the status conference the other day what is it
15 short of a receivership that the Court may do? And what is it
16 that the Court might do that's beyond a receivership? I told
17 the parties to please be looking at a wide range of things,
18 so...

19 But what is it in -- what the United States has said
20 that Kathryn Bryan ought to be an expert on, what is it in
21 that paragraph that suggests to the defendants what her
22 testimony might be with respect to appointing a receiver, for
23 example?

24 MR. DONNELLY: Well, Your Honor, the word
25 "receivership" or "receiver" certainly does not appear in

1 there, so that's certainly fair. But I guess we thought --
2 given the circumstances of her resignation, or however we're
3 framing it, and the disclosure about her opinions as she
4 worked there, and now she doesn't, we felt like that gave
5 notice what she was going to say that my work as the jail
6 administrator wasn't effective, they were resisting me, and
7 therefore I don't think that currently the consent decree
8 itself is sufficient.

9 THE COURT: But that's all fact evidence. I mean,
10 these are things that she's observed, experienced, heard, you
11 know, statements that she's heard from officials that would
12 bind the County. Again, her observations. Again, you know, I
13 would think as a fact witness, she could testify about all of
14 those things, and the Court can come up with whatever
15 conclusion it does from the evidence. I just -- I don't want
16 the United States to tread over into an area that might have
17 us back here trying this case again, because others will
18 review this and make decisions on, I assume -- assuming that
19 I'm not the last person to speak to this case, others may --
20 you know, they will have the benefit of looking at the entire
21 record and maybe concluding that would be error. And I don't
22 want anybody to invite error into the case.

23 MR. DONNELLY: Yes, Your Honor. So with -- given that,
24 we -- I think that the best case we, the United States, would
25 propose right now is that we can somehow later figure out Your

1 Honor's idea about maybe bifurcating her testimony, but for
2 right now, I guess we'll have to concede that she'll just
3 testify as a fact witness.

4 THE COURT: And as a fact witness, she will be
5 sequestered. So that's my only point. Right now she'll be
6 only allowed to testify as a fact witness.

7 MR. DONNELLY: Yes, Your Honor.

8 THE COURT: All right.

9 MR. DONNELLY: Thank you, Your Honor.

10 THE COURT: All right. Is there anything we need to
11 take up from the County?

12 MR. SHELSON: No, Your Honor. The County has no
13 housekeeping or other matters. Thank you, Your Honor.

14 THE COURT: All right. Thank you, Mr. Shelson.

15 And the parties know the order -- I think I heard
16 Mr. Cheng mention that the Government disclosed their
17 witnesses for today on yesterday. They've already disclosed
18 that.

19 MR. CHENG: Yes, Your Honor.

20 THE COURT: All right. We're going to take about a
21 15-minute recess. I need to discuss some things about what we
22 just talked about. And hopefully when we return -- my mask
23 broke too, so I'm going to get a different mask. Also when we
24 return, we'll begin the openings. And the parties did get the
25 e-mail about the openings; right? Okay. Let me take about a

1 15-minute recess.

2 (A brief recess was taken.)

3 THE COURT: You may be seated.

4 I have a few housekeeping matters. First of all, we
5 do -- to the United States, the expert witnesses who are
6 offsite are able to hear and see these proceedings. They have
7 a Zoom link where they are hearing and watching the
8 proceedings, so they're here.

9 The second thing is, I want to make absolutely certain
10 with respect to the members of the press -- and I need to make
11 sure that any member of the press has followed the Court's
12 protocols with respect to the order that was entered on Friday
13 afternoon. Each person with the press would have the ability
14 to use electronic devices for taking notes and transmitting
15 information, not the use of taking photographs.

16 But I need to make sure, get a representation from
17 those who are here from the press that you've read that order,
18 number one, and, number two, that you've signed the
19 declaration that this court requires that you complete and
20 that you either turned it in to the court security officer or
21 either to the Clerk of the Court. And if each of you has done
22 that, that's fine. If you've not, please let us know; we have
23 extra copies here for you to do it.

24 Does anyone from the press need the order and/or the
25 declaration? I see no takers. Okay. So I don't want anyone

1 to risk jeopardizing sanctions as to you and your employer,
2 then, with respect to that. So I just wanted to make sure
3 that everyone was aware. I know it did not go out until
4 late -- until about 4:00 or a little bit later on Friday
5 afternoon, but those are the protocols under which we will be
6 operating.

7 Again, the experts are participating by Zoom.
8 Hopefully there will be no distractions, because we should not
9 see them. Their cameras should be off, but they can hear and
10 see us, I think, or at least hear us for sure.

11 So that's what I wanted to take up.

12 Now -- and persons could distance yourselves as best as
13 possible, if you wish. I see there's room over on that side
14 of the courtroom. Again, I want to be very, very clear -- and
15 I think we do have video in the next room, in the next
16 courthouse.

17 Now, is that right, Ms. Summers?

18 MS. SUMMERS: Yes, sir.

19 THE COURT: So if you prefer to sit over there with
20 those who are over there and hear and observe the proceedings
21 in that way, you certainly may. And if at any time the
22 lawyers are -- either one -- anytime either lawyers want to
23 spread out even more, you can. There's a jury box there.
24 This is a bench trial. Today I'm not only the traffic cop,
25 but I'm everything. So I usually yield to my jury on most

1 things, so I wanted to make sure that we're doing all that we
2 can do to remain safe.

3 Who will do openings for the Government?

4 MS. VERA: Helen Vera, Your Honor, for the United
5 States.

6 THE COURT: Okay. And it sounds like you have such a
7 soft voice, so I'm going to ask you to take off your
8 microphone -- I mean, your mask -- I'm sorry -- to make sure
9 that the court reporter will be able to hear you. And I've
10 already warned you. I don't know if you're from Mississippi,
11 but we try to speak Mississippi in this courtroom, real slow.

12 All right. Turn the microphone on. Is there a green
13 light?

14 MS. VERA: There we go. Okay.

15 THE COURT: And if you need to adjust the podium, it
16 could rise or lower with a button over there.

17 MS. VERA: Thank you, Your Honor.

18 And before I start, I did just want to mention that the
19 compliance coordinator is present for the County. But we just
20 wanted to note that for the Court and leave it up to the Court
21 to decide whether that's all right.

22 MR. SHELSON: He's here on his own, Your Honor, and
23 he's not on the witness list, so...

24 THE COURT: Oh, he's not on the witness list?

25 MR. SHELSON: No, sir.

1 THE COURT: Okay. Thank you.

2 MS. VERA: Thank you. And good morning, Your Honor.

3 THE COURT: Good morning.

4 MS. VERA: May it please the Court. Helen Vera on
5 behalf of the United States.

6 We're here today because defendants' inability to
7 protect detainees' constitutional rights have caused people to
8 die, suffer serious injuries, and live in ongoing danger. In
9 2016, defendants signed the consent decree, and it became an
10 order of this Court. Yet more than five and a half years
11 later, the absence of progress continues to harm pretrial
12 detainees. Significantly, as Your Honor is well aware, the
13 2016 consent decree isn't just any old contract. It's an
14 agreement to remedy long-standing and widespread
15 constitutional violations of detainees' rights.

16 Defendants promised to provide pretrial detainees with
17 reasonable safety, protection from harm, and constitutionally
18 adequate conditions. They weren't doing that before, which is
19 what led to the agreement in the first place. Unfortunately,
20 all these years later, and well over four years after
21 compliance was due, not much has changed. And what this means
22 is that pretrial detainees in Hinds County Jail remain in
23 danger, and children charged as adults and in the County's
24 custody are at serious risk of harm too due to defendants'
25 failure to comply with the consent decree.

1 Indeed, this is not the first time the Court has
2 considered whether the defendants are in contempt. In 2019,
3 the United States asked the Court to find defendants in
4 contempt. And on the eve of trial, recognizing their ongoing
5 violations, defendants agreed to enter into another agreement,
6 the stipulated order, which became an order of the Court in
7 early 2020. That agreement was an attempt to break down
8 defendants' constitutional obligations into smaller,
9 manageable steps to help them come into compliance with the
10 consent decree. But here we are, back almost where we
11 started, and they remain very far from that goal. In fact,
12 defendants are in substantial or sustained compliance with
13 fewer provisions now than in 2019. Due to the defendants'
14 compliance failures, detainees' constitutional rights continue
15 to be violated. And without further intervention, the harm
16 will continue.

17 I want to take a moment to consider the experience of
18 these detainees, these people for whom the County has tasked
19 itself with responsibility. Many of these people have not
20 been convicted of a crime, and, Your Honor, the jail is not a
21 good place to be. As the Court will hear in the coming days,
22 the jail is a dangerous place. Officers are absent from
23 housing units for long periods of time, and emergency
24 responses are not adequate.

25 In the absence of officer presence, gangs run the pods;

1 extortion and violence pervade the housing unit; illicit drugs
2 come in and out and are freely abused. Doors don't lock;
3 toilets don't work; lighting is poor; outdated fixtures are
4 broken and often remain unfixed. When they do get fixed, lack
5 of officer supervision results in them being torn out again by
6 detainees who have nothing to do all day. That's because
7 there's no programming. The days unfold slowly with long
8 stretches of time unoccupied.

9 As the jail administrator will testify, when she tried
10 to address the lack of activities, supplies, and other
11 dysfunction, she ran up against a broken requisition and
12 budget process that the County has been unwilling to fix
13 despite the monitors advising them to do so for years.

14 These conditions at the jail do not paint a picture of
15 innocent until proven guilty. They paint a picture of harsh
16 and inhumane punishment. Although they have known of these
17 problems for years, and indeed acknowledged them in the
18 consent decree and in other representations to the Court,
19 defendants have failed to do what they said they would do.
20 Time and time again, they have appeared before Your Honor, and
21 instead of offering updates on actual progress or solutions to
22 issues, they have offered excuses. Excuses for why, after
23 more than five years, they have not done what they pledged to
24 do when they agreed to the consent decree.

25 Our case in chief is fairly straightforward, Your

1 Honor, and frankly, what you'll hear from the United States'
2 witnesses over the next few days won't be any surprise
3 because, unfortunately, you've heard it before.

4 You will hear, as Your Honor has heard before, about
5 the serious harm and risk of harm to detainees at the jail,
6 including avoidable deaths. In 2021, seven detainees died at
7 the jail. One was killed by other detainees, and his body was
8 not discovered by staff until nine hours later. At least two
9 detainees died by suicide. Another died of an apparent drug
10 overdose. You will hear about life at the jail, about the
11 deteriorated physical plant and about rampant contraband. You
12 will hear about fires and other dangerous disturbances, and
13 you'll hear about violent incidents.

14 In the second half of 2021, 75 reported fights and
15 assaults occurred at the Raymond Detention Center, 21 in
16 November alone. Many of them were attributable to inadequate
17 supervision. And these numbers are only based on reported
18 incidents, Your Honor.

19 As the Court will hear over the next few days, ongoing
20 serious lapses in incident reporting mean the numbers actually
21 are higher because they just don't have enough staff to
22 supervise the units. And on top of that, cameras are broken.
23 These incidents reflect the ongoing harm and risk of harm that
24 detainees in Hinds County are exposed to due to defendants'
25 failure to comply with the agreement.

1 The United States intends to call as witnesses the four
2 members of the monitoring team, the former jail administrator,
3 and two additional fact witnesses.

4 Elizabeth Simpson, the court monitor, will testify
5 about defendants' lack of planning and progress in coming into
6 compliance with the consent decree. She will explain how
7 leadership and staff turnover has hindered progress.

8 Ms. Simpson will testify about defendants' failure to
9 implement adequate policies and train staff. And she will
10 testify about serious lapses in completion of incident
11 reports, after-action reviews, grievance responses, death
12 reviews, and other required documentation. Incident reports
13 show how staff are often at a loss for how to effectively
14 perform their jobs. These failures to follow basic policies
15 and procedures have resulted in grave harm to detainees; for
16 example, when staff need to respond to emergencies.

17 Ms. Simpson also will testify about the County's
18 failure to investigate and assess bottlenecks in the criminal
19 justice system, which can lead to over detention and other
20 serious constitutional problems. As she will testify,
21 defendants have failed to make good on their promise to form a
22 functioning Criminal Justice Coordinating Committee to tackle
23 longstanding challenges like developing a mental health
24 diversion program and a pretrial release program. As
25 Ms. Simpson will testify, this failure has resulted in ongoing

1 strain to jail resources.

2 David Parrish, the monitor's correctional security
3 expert and a former jail commander and manager, will testify
4 that supervision issues and operational conditions at the jail
5 are inadequate to ensure a safe and secure facility. The
6 jail's staffing level, as you will hear, is grossly inadequate
7 and nowhere near what the consent decree requires.

8 Mr. Parrish will explain how these persistently high
9 staff vacancy rates make it impossible for defendants to keep
10 detainees in their care safe from violence and to perform
11 necessary rounds and safety checks such as suicide watch.

12 Mr. Parrish also will explain how defendants' failure
13 to complete and implement policies and staff training is
14 particularly acute with use of force, an area requiring
15 heightened attention.

16 As Mr. Parrish will testify, staff lack appropriate
17 guidance for applying and reporting force, and supervisors
18 fail to ensure that force is adequately reviewed or addressed.
19 Even simple requirements, like videotaping planned force, have
20 not been implemented, and staff have been equipped with Tasers
21 without appropriate policies or jail-specific training.

22 Mr. Parrish also will testify about physical plants and
23 life-safety conditions in the jail and the problematic systems
24 that impede even basic, routine maintenance repairs from being
25 made. He will explain how the jail still lacks some of the

1 most basic security and safety reform -- safety features such
2 as lockable cell doors, secure control rooms, alarms, cameras,
3 secure unit doors, fire suppression systems, lighting, secured
4 electrical system, and key controls. Mr. Parrish will explain
5 how these problems compound the risk of assaults and other
6 harm.

7 Dr. Richard Dudley, the monitor's medical and mental
8 health care expert, will testify about how the lack of
9 security staff and the lack of coordination at the jail
10 hinders the ability of medical and mental health staff to meet
11 detainees' health needs, including basic things like passing
12 out medication and providing care on the units -- and
13 providing adequate care in the medical unit.

14 Dr. Dudley will testify about how detainees with
15 serious mental illness are locked away alone in segregation
16 because there's nowhere else to go; and for many, how their
17 symptoms only get worse while they're there.

18 Dr. Dudley also will testify about how defendants' own
19 plan to build a new mental health unit remains an elusive goal
20 because they have not provided enough support to make it
21 happen, despite significant time and effort from the
22 monitoring team to guide the way.

23 Jim Moeser, the monitor's juvenile justice and
24 administration expert, will testify about the conditions of
25 detention for some of Hinds County's most vulnerable citizens:

1 children charged as adults and detained in the sheriff's
2 custody. Mr. Moeser will testify about conditions of
3 confinement at the Henley-Young Juvenile Justice Center, where
4 defendants have chosen to confine youth.

5 As the Court will hear from Mr. Moeser, extreme
6 staffing shortages at Henley-Young place youth charged as
7 adults at risk of harm because staff are not available to
8 prevent and respond adequately to critical incidents.

9 Mr. Moeser will testify about how staff vacancies and
10 turnover strain the abilities to train staff and provide
11 adequate educational, mental health, and other necessary
12 programming and services to youth.

13 Kathryn Bryan was Hinds County's jail administrator
14 between June 2021 and January 2022. She will testify about
15 her experience attempting to implement the consent decree.
16 Before coming to Hinds County, Ms. Bryan had implemented jail
17 reform and advised jails about how to improve conditions. She
18 understood the basic building blocks that have been missing
19 from Hinds County's Jail, including adequate staffing,
20 training, and access to basic supplies and tools. She will
21 explain to the Court how despite her best efforts to engage
22 County leadership in strategic planning and examination of
23 broken processes, she was met with inaction, delay, and
24 rejection of her proposals without suggestions for
25 alternatives. She will explain what happens when local

1 government thinks of a jail as an afterthought and refuses to
2 dedicate basic resources needed for a jail to function.
3 She'll provide illumination about why the jail continues to
4 hemorrhage staff and lack basic security function, placing
5 detainees and staff at risk every day.

6 The Court also will hear from two individuals who have
7 experienced firsthand the harm caused by failure to ensure
8 detainees rights are protected at the jail.

9 Calvin Godbolt, a former detainee at the Raymond
10 Detention Center, was brutally beaten and stabbed by several
11 other detainees in October of 2021. He will testify about the
12 assault, the serious harm he continues to suffer as a result,
13 and about the lack of supervision and delayed response on his
14 housing unit where it took place. He also will testify about
15 the living conditions at Raymond.

16 And finally you'll hear from Chalonda Mosley.
17 Ms. Mosley's son, Justin, died by suicide in the jail last
18 April. Ms. Mosley will testify about the multiple times she
19 warned the jail about Justin's unmet mental health needs, the
20 trauma he experienced in jail, and the lack of response she
21 received from the jail as she tried to help her son.

22 As of the last monitor's report, as Your Honor is
23 aware, and as you'll hear more about today, defendants have
24 achieved sustained or substantial compliance with only three
25 of 92 substantive provisions in the consent decree. They're

1 partially compliant with another 59 provisions and
2 noncompliant with 29. Your Honor already found the defendants
3 in contempt of the Court's order as to the 29 provisions that
4 are noncompliant. And defendants' noncompliance with those 29
5 provisions, and their failure to substantially comply with an
6 additional 59 provisions, as they agreed to do, mean that the
7 jail is unsafe and that detainees housed there are at
8 significant risk of serious harm.

9 The consent decree to which defendants agreed was
10 clear. They were to have achieved substantial compliance with
11 all provisions of the agreement more than four years ago. The
12 Court should find defendants in contempt of the consent decree
13 as to all of the three provisions in substantial or sustained
14 compliance.

15 Defendants may argue that they shouldn't be held in
16 contempt, or that they're not violating the Constitution
17 because they've made some good faith effort. Well, first of
18 all, that's not a legal defense to contempt, but it's more
19 importantly just not true. If they had made such efforts, the
20 monitor would have found them in substantial or sustained
21 compliance with more than three provisions after all this
22 time. In fact, since the Court last considered whether
23 defendants are in contempt, they've back slid. At the time,
24 the parties entered into the stipulated order, the monitor had
25 found defendants in sustained or substantial compliance with

1 seven provisions, a number that's now down to three.

2 As the monitors' compliance assessments show in report
3 after report, the defendants have been in continuous violation
4 of the consent decree for years.

5 And as you'll hear from Ms. Simpson and her team, the
6 monitor has made recommendation after recommendation to
7 defendants, and yet defendants haven't done what the monitors
8 have suggested, and haven't come up with alternative ways to
9 achieve compliance. Defendants still have no chance for
10 achieving compliance. And, in fact, the little progress they
11 have made has been because after defendants didn't do anything
12 on their own, Ms. Simpson took it upon herself to hire someone
13 to help defendants with policies and another person to help
14 with recruitment and retention.

15 Ms. Simpson's policy consultant connected the County
16 with former jail administrator Kathryn Bryan. And none of
17 defendant's delayed measures set in motion by the monitor
18 should obscure the fact that as you'll hear, doors still don't
19 lock, there's still not enough staff, and detainees are
20 getting hurt.

21 Faced with the prospect of additional remedies to
22 address contempt of Court, defendants have moved to terminate
23 the consent decree pursuant to the Prison Litigation Reform
24 Act. Given the current ongoing and continuous harm at the
25 jail, the consent decree is clearly necessary. Defendants'

1 inability to implement basic reforms to provide an adequately
2 safe and secure environment is well established, as is the
3 unstable, dysfunctional leadership that has long plagued Hinds
4 County. These failures demonstrate not only that the consent
5 decree remains necessary, but that more oversight, not less,
6 is needed to bring the defendants into constitutional
7 compliance. They were unable to do so on their own years
8 after the deadline for compliance with the consent decree,
9 despite extensive ongoing technical assistance from the
10 monitor. They were unable to do so with the more incremental
11 steps outlined in the stipulated order. They were unable to
12 do so with a qualified jail administrator. Over and over,
13 defendants have promised that change is just around the
14 corner. When there's a new jail administrator, a new sheriff,
15 some incremental progress every time without result. We
16 always returned, as we do today, to where we started with
17 nothing but wasted time and resources to show for it. This
18 history demonstrates that a court-appointed receiver is
19 necessary. Someone supervised by the Court who has the
20 independent authority and qualifications to ensure jail
21 operations are adequately funded and to make personnel and
22 management decisions to achieve compliance with the Court's
23 orders and the Constitution. Without such a step, the
24 unconstitutional conditions will continue.

25 In conclusion, Your Honor, through their past and

1 present noncompliance, defendants have exposed detainees to
2 serious harm and the risk of serious harm in violation of
3 their constitutional right to reasonable safety while in the
4 custody of Hinds County. People are being seriously hurt,
5 some have died. The County has demonstrated that it will not
6 bring its jail up to constitutional standards without outside
7 intervention, and is it for that reason that we ask the Court
8 to remedy defendants' contempt by ordering appropriate relief
9 in the form of a Court-appointed receiver with authority over
10 funding and personnel under the supervision of the Court. And
11 because the consent decree remains necessary to fix dangerous
12 unconstitutional conditions, we ask the Court to deny
13 defendants' motion to terminate the consent decree. Thank
14 you.

15 THE COURT: Does the County wish to make an opening?

16 MR. SHELSON: Yes, Your Honor.

17 THE COURT: Okay.

18 MR. SHELSON: Can I get the Elmo on, Your Honor?

19 THE COURT: Yeah.

20 MR. SHELSON: May I proceed, Your Honor?

21 THE COURT: Yes, you may.

22 MR. SHELSON: Thank you, Your Honor.

23 Your Honor, everyone wants a better jail: The Court
24 does, DOJ does, and the County does, too. The consent decree
25 and the stipulated order were entered in to with the best of

1 intentions, but the passage of time has shown, one, that they
2 contain requirements that are not reasonably achievable; and
3 two, that exceed constitutional minimums. But, Your Honor,
4 the County is trying, and I'll talk about that more later.

5 So what went wrong, Your Honor? Two things: First,
6 the consent decree itself, and, second, the RDC facility
7 itself. I say that, Your Honor, with respect to the consent
8 decree, because the consent decree tried to do too much.
9 Among many other things, it bundles all in one decree the work
10 center; Henley-Young; JDC; the criminal justice system as a
11 whole, in Hinds County, at least; and the RDC, which, of
12 course, is the Raymond Detention Center. Your Honor, the main
13 event here is RDC.

14 In plaintiff's opening statement, Ms. Vera barely
15 talked about anything else. Your Honor, bundling -- the
16 bundling that's occurring in the consent decree is not helping
17 make RDC better.

18 Your Honor, first things first in that regard: the
19 work center and Henley-Young. Your Honor has addressed the
20 work center. In the Court's show cause order, ECF-100, which
21 is page 8, and I'm not going to read this whole thing. But
22 the Court found that, "Something about the work center's
23 culture is effective. It largely operates as a jail should."

24 Plaintiffs submitted recently a 101-page proposed
25 findings of fact and conclusions of law. Your Honor, it's

1 ECF-138. Plaintiff mentions the work center one time in that
2 document. They mention it on page 3 in a footnote in the
3 context that the consent decree contains a definition of jail
4 and that definition includes the work center. Other than
5 that, plaintiff said nothing at all about the work center in
6 its proposed findings of fact and conclusions of law. The
7 work center meets constitutional minimums and should not be
8 under a decree any longer.

9 Henley-Young, Your Honor, the words "Henley-Young" are
10 not in the complaint that initiated this whole thing.
11 Henley-Young, the words are not within the definition of jail
12 in the consent decree. The words "Henley-Young" are not in
13 the consent decree. But in the definition of jail in the
14 consent decree that I mentioned a minute ago are the words
15 "replacement facilities."

16 At the time the decree was entered into, youth were
17 housed at RDC. They no longer are. They are housed at
18 Henley-Young. But the decree followed the youth at
19 Henley-Young. That was a mistake, Your Honor, especially in
20 terms of trying to better the RDC. Henley-Young at the time
21 was under a separate decree. It still is. We have dueling
22 decrees dealing with Henley-Young. We don't need that.

23 In the 15th monitoring report, there are eight
24 provisions -- there's a section in the decree called
25 youthful -- useful provisions, I believe, Your Honor, and

1 anyway, there are eight provisions in that part, and that's
2 the part that has been morphed into dealing with Henley-Young.
3 In any event, Your Honor, in the 15th monitoring report, the
4 monitors found sustained compliance with two of those
5 provisions and partial compliance with six. Henley-Young
6 meets constitutional minimums. No constitutional -- excuse
7 me. No decree is necessary with respect to Henley-Young.

8 JDC should be even easier, Your Honor. It's moot.
9 It's closed as a jail. It's now merely used as a temporary
10 holding facility for court appearances. There is no reason
11 for the JDC to be under a consent decree.

12 The consent decree, though, Your Honor, doesn't stop
13 merely at bundling too many facilities under one decree. It
14 seeks, as Ms. Vera alluded to, to address in some respects the
15 criminal justice system as a whole. It does so, Your Honor,
16 in paragraphs 115 through 118, which Ms. Vera correctly noted
17 is the Criminal Justice Coordinating Committee, or CJCC. And
18 just briefly, Your Honor, paragraph 115 of the decree says,
19 "The CJCC will assist in streamlining criminal justice
20 processes," and then it goes on to list a number of things.

21 We submit, Your Honor, that putting all those
22 facilities, especially RDC, and everything that supposed to be
23 done under the CJCC into one document is more -- is more
24 than -- is biting off -- it bites off more to chew than any
25 one consent decree should be asked to handle. But the CJCC is

1 even more expansive than that. It calls for coordination with
2 all these entities listed here, Your Honor: Hinds County
3 Behavioral Health Services; JPD; Department of Mental Health;
4 Department of Human Services; judges from circuit, chancery,
5 county, youth, and justice courts; the DA's Office; public
6 defender's office; relevant Jackson city officials; private
7 advocates; and other interested community members. Your
8 Honor, those kind of expansive efforts, while well
9 intentioned, are not moving the ball on making the RDC better
10 and are actually hindering that effort. That kind of thing is
11 more -- the passage of time has shown is more aspirational
12 than realistic, especially considering all of the bundling
13 that is occurring in the consent decree.

14 Your Honor, there's a lot going on in Hinds County and
15 Jackson. We don't say this to -- as Ms. Vera put it, to make
16 excuses. It's reality, Your Honor. The Court -- the Court is
17 probably aware of these things on its own. There's water
18 issues, billion dollar infrastructure issues, Your Honor.
19 There's road and bridges issues. There's a global pandemic.
20 Your Honor, this isn't an excuse. This is -- it caused the
21 monitors to change how they conducted their monitoring in this
22 case, and there is a labor phenomenon that's been dubbed "The
23 Great Resignation."

24 We mention this now only to point out that the County
25 operates in a world of a finite budget, and that's just a

1 reality, and I'm going to talk a bit later about what the
2 County's done with that budget. But, Your Honor, there's
3 going to be a finite budget regardless of who is at the helm,
4 so to speak.

5 That said, Your Honor, the decree exceeds
6 constitutional minimums. Your Honor, the word "ensure"
7 appears in the decree 78 times. I looked it up. Ensure is
8 commonly defined as making -- make certain that something
9 shall occur or be the case. The provisions in the decree,
10 Your Honor, are detailed, and they're rigorously interpreted
11 by a four-person monitoring team we think beyond the scope of
12 what the decree calls for, and we'll address that later and
13 during cross-examination.

14 But, Your Honor, there are 92 substantive provisions
15 that the monitors evaluate for compliance. Ninety-two, Your
16 Honor. There's got to be a better way to streamline this
17 process, especially with respect to RDC, which is the main
18 event, and a significant number of those 92 have to do with
19 the bundling of other facilities in addition to RDC in this
20 "improving the criminal justice as a whole" concept. But
21 ensuring 78 separate detailed items exceeds constitutional
22 minimums. Ninety-two substantive provisions the passage of
23 time has shown exceeds constitutional minimums.

24 The Court has heard a lot about policies and
25 procedures. Ms. Vera alluded to them again. The consent

1 decree and the stipulated order call for the 90 policies to be
2 developed and implemented. Now, of course, Your Honor,
3 policies and procedures are important. They're important.
4 But this is a three-way street here, Your Honor. It's not
5 just that the County's not writing policies.

6 It's one thing for the County to write policies. It's
7 quite another, Your Honor, to have to have those policies
8 approved by DOJ and a four-person monitoring team. So, Your
9 Honor, it's not simply the County is not writing policies.
10 And I think what's illustrative of that, Your Honor, and I
11 think Your Honor has heard this name at some of the hearings,
12 Karen Albert. Ms. Albert has been retained by the monitor to
13 chiefly, as I understand it, help write policies and
14 procedures that will satisfy DOJ and the monitors. The County
15 has paid Ms. Albert \$76,592.48 just to do that, Your Honor.
16 Now, we would submit that having to spend -- having to pay
17 somebody \$76,000 to write policies and procedures that satisfy
18 the DOJ and the monitoring team is illustrative of a decree
19 that exceeds constitutional minimums.

20 Also illustrative of a decree that exceeds
21 constitutional minimums is paragraph 42 of the decree. Your
22 Honor, paragraph 42 starts on page -- bottom of page 11 of the
23 decree. It consumes all of page 12, it consumes all of page
24 13, it consumes all of page 14, and it consumes more than half
25 of page 15. Your Honor, paragraph 42 contains nine subparts,

1 A through I. There are 21 subparts to the A through I
2 subparts. Paragraph 42 is so long, the monitors don't
3 evaluate it as a single paragraph. There's not a single
4 compliance evaluation for paragraph 42. Indeed, it's so long,
5 Your Honor, that it's broken up into three separate compliance
6 evaluations. It addresses staffing, classification, and
7 promoting safety. Whatever the constitutional minimum is for
8 those three things, paragraph 42 exceeds it.

9 Next, Your Honor, the RDC facility itself. There was a
10 hearing -- excuse me, a status conference in this case back in
11 October 2017. So that one was not held before Your Honor, but
12 it was held before the magistrate judge in Gulfport. And I'd
13 like to share with the Court from the transcript, which is
14 ECF-18, Your Honor, what the then County attorney said to the
15 Court at that time. And, Your Honor, I'm reading from page
16 56, lines 20 through 25, and it goes over to page 57, line 1.

17 But it says this, Your Honor: "Your Honor, the
18 facility, the Raymond facility, the main facility, was built
19 in 1994. The day after it opened, there were lawsuits about
20 the design and the construction. It's an albatross that this
21 sheriff and this board inherited, and they are collectively
22 trying to do their best job at tackling the maintenance
23 issues. We suspect that's going to be an issue. We just need
24 it to be a smaller issue."

25 That sums it up, Your Honor, about as well as it can be

1 summed up. The RDC facility itself works against compliance.
2 It's not because after all these years the County just wants
3 to have a poor facility. Your Honor, this facility was doomed
4 from the start. The County attorney years back ago nailed it:
5 This facility is an albatross. It's an albatross around every
6 board's neck who's had it and every sheriff who has had to
7 deal with this facility.

8 The RDC was designed as a direct-supervision facility,
9 but it was poorly designed as a direct-supervision facility.
10 Your Honor, the RDC facility is too broke from the inception,
11 from the get-go, to be fixed to a good direct-supervision
12 facility, which is why this Hinds County Board of Supervisors
13 is building a new jail, which I'll talk about in a minute.

14 Your Honor, I next I want to talk about compliance.
15 I'm going to say this, and I think the testimony and evidence
16 will show, that the compliance standards in the consent decree
17 are not a model of clarity. Then there's also the issue of
18 compliance as defined by the decree versus compliance as
19 interpreted by the monitors, which we think the evidence will
20 show are two quite different things.

21 I also want to address, Your Honor, this notion of
22 sustained compliance. We've heard about it frequently.
23 Ms. Vera mentioned it three times in her opening statement.
24 Your Honor, sustained compliance is not a thing in the decree.
25 What do I mean by that? This is the decree, Your Honor.

1 Paragraph 35, it defines compliance. There's three standards
2 of compliance in this decree: substantial compliance, partial
3 compliance, noncompliance. Each one of those things is a
4 defined term. Sustained compliance is not. What's more, Your
5 Honor, the monitors are not charged with evaluating sustained
6 compliance, whatever that is.

7 This is paragraph 150(a). This is where -- this is the
8 section of the decree that describes the monitors' duties.
9 150(a), Your Honor, reads, "The monitors must evaluate the
10 status of compliance, reach provision of the agreement using
11 the following standards." These are the only standards the
12 monitors are authorized to use. Number one, sustained
13 compliance; number two, partial compliance; and number three,
14 noncompliance. To the extent -- I don't know exactly where
15 the monitors got it from. I have my -- I think it's here,
16 Your Honor, but I won't speculate on that. They can answer
17 for it themselves. But I think they may be conflating
18 compliance with termination.

19 If you turn to section 11 of the agreement, it's
20 construction and termination. There's paragraphs 164 and 165.
21 Paragraph 164 deals with how the agreement would terminate if
22 the parties jointly stipulate to termination, and it says in
23 part that if the parties jointly stipulate that the County has
24 achieved and maintained substantial compliance with the
25 agreement for at least two years, then the agreement can

1 terminate if the Court approves. But, again, Your Honor, no
2 mention there of sustained compliance.

3 Same is true of paragraph 165. If the parties do not
4 jointly stipulate to termination, then the County can move to
5 terminate, and if the County does that, then the County has
6 the burden to demonstrate that the County substantially
7 implemented each provision of the agreement and that such
8 compliance was maintained continuously for two years prior to
9 the filing of the motion.

10 Now, this is important, Your Honor. Termination under
11 164 speaks to substantial compliance. Under 165, it speaks to
12 substantially implemented. That's clearly intended to be a
13 lower standard, and substantially implemented, Your Honor, is
14 not tied to either substantial compliance or partial
15 compliance. And what's more, Your Honor, there is absolutely
16 nothing in this decree to the effect that thou shalt be in
17 sustained compliance by X date. In fact, there is no date at
18 all in this agreement for either substantial compliance with
19 the agreement for two years or substantially implemented --
20 the "substantially implemented" concept in paragraph 165 of
21 the consent decree.

22 I know this, Your Honor: I personally word-searched
23 the consent decree multiple times, and I stand to be
24 corrected, but the words "sustained compliance" are not in
25 that document.

1 Your Honor, this is again from the plaintiff's proposed
2 findings of fact, conclusions of law, ECF-138. I want to note
3 this from the outset, Your Honor. They quote -- the plaintiff
4 quotes the Court's show cause order at ECF-100, page 28. What
5 they do, Your Honor, is change up -- where Your Honor said
6 "RDC," plaintiff says "the jail." And here's what I mean by
7 that. This is Your Honor's show cause order, ECF-100, page
8 28, and what the Court said is that "Hinds County shall show
9 cause and explain why it should not be held in civil contempt
10 and why receivership should not be created to operate RDC."
11 In their proposed findings, plaintiffs cross out "RDC" and
12 insert "the jail." We hope that the court order where it says
13 "RDC" stands.

14 Your Honor, I said at the beginning, and I come back to
15 my statement, that the County is trying. Ms. Vera said
16 there's been a lot of wasted time and resources. We
17 respectfully see it differently, Your Honor. The County has
18 responded reasonably, not perfect but reasonably, and here are
19 just some of the reasons we say that.

20 \$4 million. The current Hinds County Board of
21 Supervisors came into office in approximately January 2020.
22 Since that time, that board has approved \$4 million be spent
23 for detention-related matters with the bulk of that money
24 going to the RDC. So if the RDC facility is not satisfactory
25 to the monitoring team, which it clearly is not, it's not

1 because the Hinds County Board of Supervisors have not been
2 trying with what they have at their disposal, which is money,
3 and they're putting money towards attempting to fix the issues
4 with what's been from the get-go a bad facility.

5 Your Honor, the next set of numbers we think are
6 telling as well. \$18 million, \$10 million, 56 percent. The
7 sheriff is trying too, Your Honor, the sheriff's office. The
8 sheriff has a budget of approximately \$18 million annually.
9 Approximately \$10 million of that budget goes to detention.
10 Your Honor, 56 percent of the sheriff's budget goes to
11 detention. That is trying, Your Honor. It's not indicative
12 of turning a blind eye in any way, as plaintiff might suggest.

13 Your Honor, \$1,233,185.50. That's the amount of money
14 since, I believe, the end of December 2021 that the County has
15 paid to the monitors. Your Honor, the point is when Ms. Vera
16 got up here and said all the things she said that are not
17 being done, in the plaintiff's view, correctly to -- at RDC,
18 Your Honor, our point is that although well intentioned, the
19 consent decree and the monitors are not helping.

20 Your Honor, next, 68 percent, that comes from the 15th
21 monitoring report. As I mentioned earlier, there are 92
22 substantive provisions that are evaluated by the monitors.
23 The monitors found that the County is in sustained compliance,
24 although I've already talked about that, but that's what they
25 found, sustained compliance or partial compliance with

1 68 percent of the substantive provisions. Your Honor, turning
2 to paragraph 165 of the consent decree, we would say that
3 68 percent is indicative of substantially implemented, which
4 is the standard announced in paragraph 165.

5 Next, Your Honor, \$68 million. That's the projected
6 cost of the new jail that the Hinds County Board of
7 Supervisors has approved. That is a huge, a huge sum of
8 money, \$68 million. Your Honor, it is indicative of the
9 seriousness with which the board takes these issues. It is
10 equally indicative of the board's commitment to dealing with
11 those issues.

12 Your Honor has heard and will hear a lot more about
13 recruiting and retention. This board recently approved
14 raising detention staff starting salary to \$31,000 a year,
15 which is a competitive salary in this marketplace and is
16 intended, Your Honor -- this is one of a series of pay
17 raises -- this is the latest -- but it's intended, Your Honor,
18 to further address the board's efforts to assist with
19 recruiting and retention.

20 Finally, Your Honor, 100 percent. As I mentioned, the
21 current board came into office January 2020. Since that time,
22 a number of measures have come up for vote before the board
23 regarding detention issues. Your Honor, every one of those
24 measures that came up for vote, 100 percent were approved by
25 the board. And if I'm not mistaken, every single one of those

1 votes on detention issues was unanimous.

2 Subject to any questions the Court may have, that
3 concludes my presentation.

4 THE COURT: Thank you, Mr. Shelson.

5 MR. SHELSON: Thank you, Your Honor.

6 THE COURT: Is the United States ready to call its
7 first witness?

8 MR. CHENG: Yes, Your Honor. The United States would
9 like to call David Parrish.

10 THE COURT: All right.

11 (Whereupon, the witness was placed under oath.)

12 THE COURT: Mr. Parrish, you may remove your mask if
13 you wish.

14 THE WITNESS: Thank you, Your Honor.

15 THE COURT: All right. I'm just going to ask that you
16 allow the lawyers to finish their question before you begin to
17 speak, so that you won't be speaking over each other. Make
18 sure that you're speaking at a pace at which the court
19 reporter can keep up with you. And please, sir, try to make
20 sure all your responses are verbal. If you're nodding or
21 shaking your head, please give me an affirmative or negative
22 answer along with it. It's my job to sort of monitor all
23 that, so don't necessarily worry about it.

24 But if you will, for the record, could you state and
25 spell your name.

1 THE WITNESS: Yes, sir. David --

2 THE COURT: Turn on your microphone. Is the green
3 light on? Hold on. Hold on.

4 THE WITNESS: It's showing on.

5 THE COURT: I'm sorry, ladies and gentlemen. We've got
6 a technical difficulty that we need to get this fixed.

7 MR. CHENG: I'm sorry, Your Honor. But this gentleman
8 here is with our office, so he's assisting with our
9 technology. This is human error on my end, but I think that's
10 a court technology issue, Your Honor.

11 THE COURT: It is.

12 THE WITNESS: Okay. Now?

13 THE COURT: Yes.

14 THE WITNESS: Okay.

15 THE COURT: That's it. Okay. For the record,
16 Mr. Parrish, could you state and spell your name.

17 THE WITNESS: Yes, sir. My name is David M. Parrish,
18 P-a-r-r-i-s-h.

19 THE COURT: Thank you. You may proceed.

20 **DAVID M. PARRISH,**

21 **having been first duly sworn, was examined and**
22 **testified as follows...**

23 **DIRECT EXAMINATION**

24 **BY MR. CHENG:**

25 Q. Mr. Parrish, could you describe your professional

1 background, please.

2 A. Yes, sir. I grew up outside of Philadelphia, graduated
3 from high school in that area, graduated from Penn State --

4 THE COURT: I was about to say, we got a Philadelphia
5 here. So when you say "Philadelphia," we think about our
6 Philadelphia. Please, for the record, you're talking about
7 the original Philadelphia; right? Pennsylvania?

8 THE WITNESS: Yes, sir.

9 THE COURT: All right. Okay.

10 A. My accent probably identifies where -- from Philadelphia,
11 Pennsylvania, and graduated from Penn State with a bachelor's
12 degree in history; spent four years in the Navy as an officer;
13 went back to graduate school, got a master's degree in
14 criminology and corrections from Sam Houston State University
15 in Huntsville, Texas; and then went to work for the
16 Hillsborough County Sheriff's Office in Tampa, Florida, where
17 I worked for 34 and a half years in various capacities.

18 Would you like me to go into the --

19 BY MR. CHENG:

20 Q. Yes. Once you went to Hillsborough, can you describe
21 your career at the Hillsborough County Detention Center.

22 A. Yes, sir. I started work in the Hillsborough County
23 Sheriff's Office in Tampa, Florida, in March of 1974 as a
24 planning, research, and training officer, and I held that
25 position for several years and then ultimately became the

1 major in charge of the administrative division in about 1978.

2 Held that position for several years until I was
3 reassigned to the services division in 1981 and later in that
4 year was transferred to the jail system of the sheriff's
5 office. At that time it was referred to as the board of
6 criminal justice, but it later became the detention department
7 of the sheriff's office.

8 So I was put in charge of the jail system in August of
9 1981, and I held that position as a major for several years
10 until I was promoted to a new rank in the sheriff's office of
11 colonel around 1985, and I held that position until I retired
12 in the end of September, September the 27th of 2008. So I was
13 the commander of the consolidated Hillsborough County Jail
14 System for 27 years.

15 Q. And about how many inmates were in that system?

16 A. When I took over the jail system in 1981, we had 1200.
17 By the time I retired, we had topped out at just over 5,000.
18 On our heaviest year, which was around 2006, we averaged 4,637
19 inmates for the entire year.

20 Q. And as the jail commander, did you have to work with
21 other criminal justice actors in your county?

22 A. Yes, sir. The impact of the efficiency and interaction
23 of the rest of the criminal justice system has a tremendous
24 effect on the day-to-day operation of the jail, so I spent a
25 great deal of time working with the public defender, with the

1 state attorney, with the chief judge, with the clerk of the
2 circuit court, and other participants to make sure that the
3 criminal justice system worked effectively together.

4 In Florida we have something that's required by the state
5 legislature referred to as the public safety coordinating
6 council. Each county is required to have one. It's comprised
7 of all the players in the criminal justice system plus elected
8 officials at the county and municipal level, and that is
9 required in each -- each county, so I spent a lot of time
10 working with that group.

11 Q. And do you have any licenses or certifications?

12 A. I sat on the original commission that created the
13 Certified Jail Manager program for the American Jail
14 Association, so I was one of five people that helped write the
15 first CJM examination, and I served as a Certified Jail
16 Manager from then on. There are about 350 such people in the
17 United States. I'm a past president of the American Jail
18 Association. I'm past treasurer for the American Correctional
19 Association. I served on the Board of Governors two times for
20 ACA and on the executive committee twice, and I also served on
21 the standards committee for a period of six years in the 1990s
22 helping to write the standards that ACA publishes for jails,
23 prisons, juvenile facilities, and community corrections.

24 Q. After you retired as a jail commander, did you begin your
25 own business?

1 A. Actually, I started doing consulting work in 1987. I did
2 my work primary work with the National Institute of
3 Corrections generally doing operational assessments of jails,
4 and then through that I became known and I did work for
5 private attorneys or directly for sheriff's offices or jails,
6 most generally defending jails or sheriff's offices with
7 regard to litigation, but I spent a great deal of my time
8 doing that in the form of operational assessments.

9 Then I also did work for organizations like the American
10 Correctional Association and the International Association of
11 Chiefs of Police. I've done consulting work as far away as
12 Australia, Israel, South Korea, all over the United States.

13 Since I retired in the end of 2008, I got to the point
14 where I had to turn down work. But I most recently
15 concentrated on primarily projects such as this one, working
16 for the Department of Justice. I helped with monitoring the
17 corrections system in the U.S. Virgin Islands, St. Croix; I
18 did work in Louisiana on the New Orleans jail system; and at
19 the present time I primarily concentrate on this project.

20 Q. Have you ever done any teaching or lecturing?

21 A. When I was working for the sheriff's office, I taught at
22 the local community college, but subsequently through my
23 involvement with the American Jail Association, American
24 Correctional Association, I've given many presentations on
25 jail operations, particularly with regard to direct

1 supervision.

2 Also done that sort of thing through something that's
3 called the Large Jail Network coordinated by the National
4 Institute of Corrections. You have to have a thousand beds or
5 more to even be invited to participate, and they meet twice a
6 year, and it's the jail administrators from the biggest jails
7 in the country who get together to pick their own topics and
8 make presentations, and I did quite a bit of that kind of
9 work.

10 Q. As part of your consulting business, do you have a
11 curriculum vitae or biographical material?

12 A. Yes. I provide a one-page short biographical sketch
13 which explains basically my background and then a full-length
14 resume which includes my complete work history and published
15 articles, accomplishments while I was a jail administrator in
16 Hillsborough County, that sort of thing.

17 Q. If we could bring up Plaintiff's Exhibit 8, 9, 10, 11.
18 Let's go with 8 first. Do you recognize Plaintiff's
19 Exhibit 8?

20 THE COURT: Hold on. No. No. He can't see it yet.
21 Okay.

22 A. Yes, sir.

23 BY MR. CHENG:

24 Q. And what is Plaintiff's Exhibit 8?

25 A. This is the --

1 THE COURT: If it works better for you to have a hard
2 copy, if you have a hard copy for him.

3 THE WITNESS: I'm good here.

4 THE COURT: You're good? Okay.

5 THE WITNESS: I'm better yet now. Thank you.

6 A. That's my short biographical sketch, the one-page
7 synopsis.

8 BY MR. CHENG:

9 Q. If you could bring up Plaintiff's Exhibit 9.

10 A. Yes, sir. This is something that's required in federal
11 cases generally where you provide a synopsis of expert witness
12 service over a period of time, and I update that periodically.

13 Q. And have you served as an expert witnesses in other
14 cases?

15 A. Yes, sir. I've done through -- been accepted both during
16 deposition and in court during trial.

17 Q. If we could bring up Plaintiff's Exhibit No. 10, and do
18 you recognize this exhibit?

19 A. Yes, sir. That's my synopsis since 1997.

20 Q. Bring up Plaintiff's Exhibit 11, and do you recognize
21 Plaintiff's Exhibit 11?

22 A. Yes, sir. This is the beginning of my full resume, which
23 goes back to when I started work for the Hillsborough County
24 Sheriff's Office.

25 MR. CHENG: Your Honor, we would move to admit

1 Plaintiff's Exhibits 8 through 11.

2 THE COURT: Any objection from the defendant?

3 MR. MORISANI: No objection to those exhibits, Your
4 Honor.

5 THE COURT: All right. Exhibit 8, 9, 10, and 11 will
6 be received into evidence.

7 (Plaintiff's Exhibits 8, 9, 10, and 11 entered.)

8 BY MR. CHENG:

9 Q. In this case, what is your role?

10 A. I serve as a member of the monitoring team. I report to
11 the monitor, to Ms. Simpson, and my area of expertise is in
12 corrections operations.

13 Q. Do you know how you were selected to join that team?

14 A. Actually, I -- I was brought on board in 2014 to do a
15 review of the Hinds County Jail system. Actually, the Jackson
16 Detention Center and the Raymond Detention Center. I wrote a
17 report for DOJ in 2014, supplemented in 2015. That, my
18 understanding is, was used as the basis for developing the
19 consent decree. And subsequently I was questioned as to my
20 interest in serving as the monitor, and I indicated that
21 that's not a job that I want to take on because its extremely
22 time-consuming and has a lot of administrative
23 responsibilities that I had happily retired from. And so
24 subsequently I was questioned and asked by the monitor if I
25 would be a member of the monitoring team, and I agreed to

1 that.

2 Q. And when did you begin working as a subject matter expert
3 for the monitoring team?

4 A. For this monitoring team?

5 Q. Yes.

6 A. Yes, sir. We started in -- at some point in 2016. I
7 don't remember the exact date.

8 Q. How do you conduct your assessments of your subject
9 matter area for this case?

10 A. Well, I handle them much like I do when I do an
11 operational assessment of a jail. I go into the facility -- I
12 like to start at the point of entry. So I go to the sally
13 port where prisoners are delivered and work my way back
14 through the booking process, and then back into housing, and
15 then in all the support areas; that's just my normal form for
16 inspecting a facility. And while I'm at that, then I question
17 people of various ranks, from command staff on down to
18 entry-level officers and supervisors in between, and I
19 question inmates. And I've got a habit of something that I
20 learned a long time ago, which is not to ask a leading
21 question: Do you do this? Because, of course, the answer
22 always is yes. And, instead, I say, How do you handle this?
23 If the individual cannot articulate it, then they're not doing
24 it. If they give me a bogus answer, I know they don't
25 understand what the answer should be. That's the way I

1 address it in doing things.

2 And then I also, at the same time, look at documents.
3 And that entails looking at well-being checks that may be
4 posted on the wall next to a cell; that may be in a
5 housing-unit log; that may be in a control-room log; that may
6 be in an administrative office, and look for how they're being
7 recorded, what's being recorded, what kind of housing area is
8 it, what kind of inmates are we talking about? For instance,
9 in booking there's a requirement for a well-being check every
10 15 minutes. In general population, that's not the same, it's
11 not as stringent. In confinement housing, it may be every 30
12 minutes, so those are the kinds of things that I look at.

13 And I look at the physical plant. It's been my
14 experience that when things start going bad, people just get
15 used to it and it becomes part of the woodwork, and after a
16 while, it's like, well, so what? And that's the kind of thing
17 you look for when you look at a place as opposed to, is it
18 neat, clean, polished, immaculate, well-maintained, am I proud
19 of where I work? That's the kind of thing that I look for
20 when I go into any facility. That basically summarizes it.

21 Q. The methods you use to assess the facility, do they
22 include looking at documents?

23 A. Yes, sir.

24 Q. And what type of documents do you review for your
25 assessment?

1 A. Well, as I mentioned, I look at well-being checks; that's
2 an important one. I look at logs that are maintained in the
3 various areas. If someone is on suicide watch, I want to see
4 what kind of log is maintained. I want to see how the entries
5 are made every 15 minutes. Is it every 15 minutes on the
6 quarter hour, the half hour, the three-quarter hour? Or is it
7 the actual minute when it was actually done? I like to watch
8 and see if somebody is going to do a well-being check. Are
9 they actually doing what I'm finding in the logs, or is this
10 something that is it being done either in advance or after the
11 fact and made to look good? So that's the kind of thing that
12 you look at.

13 And then, when you look at records, when you go in to
14 classification, you look at classification logs, look at
15 inmate files on what -- look at incident reports. Do they
16 make sense? Are they comprehensive? When a supervisor
17 reviewed them, did they take some action and say, "This is
18 good, or this is satisfactory and needs to be rewritten, or this
19 is an abuse of use of force compared to our policy, and
20 something needs to be done, or this needs to be needs to be
21 referred to CID or IAD, criminal investigation or internal
22 affairs. Those are the kinds of documents that you have to
23 look at routinely to see what's going on.

24 Q. Do you also review staffing information?

25 A. Absolutely. And that's a critical part of this

1 monitoring project.

2 Q. Do you review investigations?

3 A. Yes, sir, both. Look at criminal investigations, which
4 are basically investigated to look at issues of inmate on
5 inmate violence or that sort of thing, as opposed to internal
6 affairs investigations which are dealing with, did officers
7 follow policy or did they abuse their authority, or were they
8 inconsistent or so forth? Two areas of investigation there.

9 Q. How about quality assurance documents, do you review
10 those?

11 A. Quality assurance, as in the quality assurance reports
12 that are generated now?

13 Q. Do you review quality assurance documents?

14 A. Yes. You have to look to see whether things are being
15 done properly, not just being done. And my question just now,
16 I guess, was because recently Hinds County has a quality
17 assurance coordinator who puts out a monthly report now, which
18 is basically built on what's required by the consent decree,
19 by the settlement agreement to cover certain areas. And it's
20 a comprehensive report by somebody who's in-house, a
21 self-analysis if you will, and it's good to be able to compare
22 that perception with what we see from doing our inspections on
23 site or remote, either one.

24 Q. Do you also review the consent decree or the Court's
25 orders before you do your inspections?

1 A. Yes. Before I come to do an inspection, I go back over
2 what was done in the last one, and that's the starting point
3 for each one. Because there has to be a measure of what has
4 changed since the last time; has there been improvement? Has
5 it dropped off? Has it been continuation of the status quo?
6 Those are the kinds of things that you need to look at. And
7 everything that we write in our three-time-a-year report is
8 based upon the various paragraphs of the settlement agreement.

9 Q. So these three-time-a-year reports, are you referring to
10 the monitoring reports?

11 A. Yes, sir.

12 Q. So the monitoring reports provide the monitors with
13 reports assessing the County's compliances and orders. Are
14 you familiar with those assessments in the monitoring report,
15 the conclusions of partial, substantial and noncompliance?

16 A. Yes, sir.

17 Q. Do you agree with the assessments in those monitoring
18 reports?

19 A. Yes. As we -- each of us has a portion of the report
20 that we work on, and we submit all of that to the monitor who
21 compiles the whole thing and makes it seamless, because we
22 have four individuals working on it. And if, for instance, I
23 look at an issue dealing with staffing and find that it has
24 dropped off precipitously, or something, and I suggest that we
25 change it from one category to a lower level, this is no

1 longer in partial compliance, it's noncompliant.

2 Well, that goes to the monitor, and if the monitor has
3 any question about that, then she gets in touch with me and we
4 go back and forth until we're in agreement on it so that we're
5 consistent in the way that we look at it. So that's a group
6 effort, yes, sir.

7 Q. When you're doing your review, does your method include
8 giving the staff an opportunity to talk to you about what they
9 think about the conditions?

10 A. I try to do that with every visit. And even when it was
11 being done remotely, I came here -- excuse me. I came here
12 about three weeks ago and spent a week here. That's the first
13 time I've been here in about 20 months. Prior to that, all
14 the visits were on site. But even when I was doing my portion
15 remotely, by Zoom or conference call, I would try to have
16 conversations with individuals. I even started to the point
17 of scheduling an interview with, for instance, three
18 sergeants. I wanted a sergeant from booking; a sergeant from
19 housing at RDC; and a sergeant from the work center. And then
20 I would ask each of them a broad series of questions. Like I
21 said earlier, the open-ended things, not yes or no. And then
22 I would find out, do they really understand? Do they know
23 the -- something as simple as the order of feeding. Is it a
24 hot meal for breakfast, a hot meal for lunch and a cold meal
25 for dinner, or do you have some other perception? And if I

1 get some weird answers from a supervisor, that gives me cause
2 for concern. And I ask the same thing about well-being
3 checks. Tell me, what are the well-being checks requirements
4 for various categories? And if I start getting answers from a
5 supervisor in a particular area that doesn't jive with what
6 the settlement agreement calls for, then that's an eye opener;
7 that's the kind of thing you get from doing that kind of work.
8 And I do it face-to-face when I go around to the control rooms
9 and inside the housing units, when I was on site. And when I
10 was doing it remotely, I did it individually with people like
11 that.

12 Q. So let's talk a little bit about the virtual visits.

13 Were those virtual visits planned with the County?

14 A. Yes.

15 Q. And who was helping coordinate the virtual visits?

16 A. The coordinator, Synarus Green.

17 Q. And do you know who Mr. Green works for?

18 A. He works for both the County and the sheriff.

19 Q. Does Mr. Green also maintain files or record systems that
20 you can access in doing your tours?

21 A. Yes. We don't -- he downloads our document requests so
22 that we can access them and print out copies at home if we
23 want to, or review them if they're like spreadsheets or
24 something like that. And we get immediate notification of
25 categories of significant events if there's something serious,

1 like, somebody had to go to the hospital, or an assault or an
2 officer injured or something. We'll get an immediate
3 notification of that. And then we also get a log or an
4 inventory of all the incident reports, and you can read
5 through the entire spreadsheet as to what each one said. And
6 then if there's a supervisor review later on, you can see
7 whether a supervisor said anything or just sent it through.

8 Q. So if somebody dies in the jail, do you receive an
9 immediate notification?

10 A. Yes, sir.

11 Q. And when you say "immediate notification," is that a
12 descriptive phrase, or is it actually a term of art at the
13 jail?

14 A. When I say, "immediate notification," that's just the way
15 it's titled.

16 Q. So the document or the notice actually says "immediate
17 notification"?

18 A. Yes. Yes.

19 Q. And these virtual tours during the period of COVID, how
20 long did those last where you did virtual tours instead of
21 going on site?

22 A. A little bit less than two years.

23 Q. And during that time period, do you know if any staff or
24 administrators got sick from COVID?

25 A. Yes, sir.

1 Q. And do you know if any inmates got sick from COVID or
2 tested positive?

3 A. Yes.

4 Q. Do you think it was a reasonable precaution to do the
5 site visits virtually at the jail?

6 A. Yes. At the time, we didn't have vaccinations or
7 anything initially, and over time I think the whole country's
8 gotten more familiar with how to deal with it just by witness
9 of everybody wearing a mask and what we do here right now.

10 Q. Early on during the pandemic, did you ever participate in
11 Zoom or videoconferences with the defendants?

12 A. Yes, sir.

13 Q. And when you observed the staff, were they taking
14 precautions on the videos, like, social distancing or wearing
15 masks during those conferences?

16 A. Sometimes I couldn't really tell. Somebody would be
17 sitting up in the foreground and somebody's sitting in the
18 background. That's the best I can answer.

19 Q. All right. When was the most recent time that you
20 actually went on site?

21 A. Around the 20th of January I was here for a week, or five
22 days.

23 Q. And can you describe the activities you engaged in order
24 to do your assessment during that week?

25 A. Yes, sir. I don't want to be repetitious, but the things

1 that I said before are the way I handled this time. I started
2 out by going back to booking. We had a large number of people
3 that came through for the tour on Monday morning, and we
4 started back in booking. Went out to the sally port to see
5 whether the rollup doors on each side still work or not,
6 started coming on through, checked on things, like, does it
7 still say that it's a pat-down search, or has it reverted to a
8 strip search like it was originally and so forth. Right on
9 through looking at holding cells, finding inmates still being
10 housed in booking. That's been a problem that's existed since
11 the beginning of this process. It precedes the monitoring
12 process by years because nothing has worked within the jail
13 system; they've misused the holding cells for housing. And
14 that was one of the very first things that I saw when started
15 going through.

16 Q. Mr. Parrish, let me ask you at the end of these site
17 visits, do you do an exit interview?

18 A. Yes, we do. And we used to do it in the Board of
19 Supervisors' boardroom. And all the key players that were
20 involved would sit in there, and then the monitor would give
21 an overview and then ask each of us to provide a synopsis of
22 our observations and findings and if there are any specific
23 recommendations that we wanted to pass along at that time,
24 just so that everybody would have a feel for what we saw and
25 found while we were on site. We did the same thing with the

1 remote sites when we could.

2 Q. And during these exit interviews, do you provide
3 recommendations on things they can do before your report comes
4 out?

5 A. Certainly.

6 Q. During the most recent live visit, did you conduct an
7 exit interview this time as well?

8 A. Yes. It was after I returned to Tampa from my site visit
9 we had it by Zoom on a following Monday, I think.

10 Q. Was the sheriff participating in that exit interview?

11 A. I don't think so.

12 Q. Do you know if any of the Board of Supervisors
13 participated in that exit interview?

14 A. I don't have a list of everybody that was there, but I
15 don't remember from the Board, maybe there was one.

16 Q. Can you say whether or not the attendance at this exit
17 interview was different from the level of attendance in
18 previous exit interviews?

19 A. Well, when we had exit interviews on site, there was a
20 significant turnout; everybody was there. Even
21 representatives from the private healthcare provider would be
22 there. People from the County, from the sheriff's office,
23 from the administrative or law enforcement side of the
24 sheriff's office would be in attendance and so forth. It was
25 much better and broader attendance when we did that on site

1 than when we did it remotely.

2 Q. When you did the previous virtual site inspections last
3 year or the year before, were there other employees or
4 healthcare representatives on those exit interviews?

5 A. I honestly can't remember who was in attendance for
6 those.

7 Q. Having conducted your assessment, do you feel like you
8 have enough information to form an opinion about the
9 defendant's level of compliance with the consent decree?

10 A. Yes, I do.

11 Q. And do you feel like you have enough information to form
12 an opinion about what measures are needed for them to achieve
13 compliance with the Court's orders?

14 A. I would ask you to repeat that. With regard to what
15 measures?

16 Q. Do you have information adequate to form an opinion about
17 what measures are needed to achieve compliance with the
18 Court's orders?

19 A. Yes.

20 MR. MORISANI: Your Honor, we would just object to this
21 line of questioning, because he hasn't even been tendered as
22 an expert at this time.

23 MR. CHENG: Well, Your Honor, I would tender
24 Mr. Parrish as the Court's subject matter expert on
25 corrections and corrections administration and jail

1 operations.

2 THE COURT: Do you wish to voir dire him, or do you
3 object?

4 MR. SHELSON: I'm sorry, Your Honor. This isn't my
5 witness. Can I hear those three again? I heard corrections.

6 THE COURT: Repeat that, Mr. Cheng, if you will.

7 MR. CHENG: Corrections, corrections administration,
8 and jail administration.

9 THE COURT: Go ahead and repeat that, Mr. Cheng.

10 MR. CHENG: If I could have just one moment to make
11 sure I get this exactly right.

12 THE COURT: I think you said corrections, corrections
13 administration, and jail administration.

14 MR. CHENG: Yes, Your Honor.

15 THE COURT: Anything additional?

16 MR. CHENG: No, Your Honor.

17 THE COURT: What says the defendant?

18 MR. MORISANI: Your Honor, the defendant would object,
19 I guess, on two grounds. The first is that we understand the
20 Court made a ruling on our motion, Docket 134. We would just
21 renew that objection because the opinions were never disclosed
22 prior to coming here today. And in addition to that, the term
23 "corrections" is exceedingly broad, and on top of that they've
24 have thrown in "corrections administration" I think. So I
25 would ask for some clarity on that first one, corrections

1 because that could include anything.

2 THE COURT: The objections will be overruled. This
3 defendant will be allowed to testify as an expert in
4 corrections, correction administration, and jail
5 administration. This is one of the subject-matter experts who
6 was appointed by -- who was brought in on to the monitors'
7 team by the monitor, pursuant to the stipulated -- pursuant to
8 the consent decree that the parties entered into in 2016.
9 Mr. Parrish has always been deemed an expert in these areas
10 throughout from 2016 forward, and he will continue to be an
11 expert today and through the course of this trial.

12 MR. CHENG: Thank you, Your Honor.

13 MR. MORISANI: Thank you, Your Honor. If I may just
14 briefly, rather than disrupt proceedings going forward, could
15 we have a standing objection on the related to Docket No. 134,
16 and the facts that opinions were not provided?

17 THE COURT: I'm sorry?

18 MR. MORISANI: Could we have a standing objection
19 related to Docket No. 134 and that the opinions were not
20 provided before the hearing?

21 THE COURT: Yes, you'll have -- that is noted, and it's
22 a standing, continuing objection with respect to Docket Entry
23 No. 134, which I believe the defendants say even if he's
24 deemed an expert, his -- the proposed testimony and opinion
25 was never disclosed to the defendants. Is that the basis of

1 the continuing objection?

2 MR. MORISANI: Yes, sir, that is the basis.

3 THE COURT: Okay. Thank you.

4 MR. MORISANI: Thank you.

5 THE COURT: All right. It's overruled.

6 Mr. Cheng, you may.

7 MR. CHENG: Thank you.

8 BY MR. CHENG:

9 Q. Mr. Parrish, in one of your roles as a subject-matter
10 expert for the monitor, do you have to provide technical
11 assistance to the defendants?

12 THE COURT: Let me interject right here. Since we've
13 just qualified him as an expert, I suspect this witness might
14 be a little long; right?

15 MR. CHENG: A little longer, yes, Your Honor.

16 THE COURT: Right. I think this may be an appropriate
17 time to take our lunch break. I know I had said that
18 generally the schedule will operate at 12:30. But I believe
19 this is a great point to stop right now, and we'll pick up
20 with his -- with his testimony, which I imagine will include
21 some of his findings as well as other things about his visit.
22 So we're going to -- I think it's appropriate to put -- that
23 we break here now.

24 MR. CHENG: Yes, Your Honor.

25 THE COURT: And we'll start back up at 1:15.

1 Now, I did hear an electronic device go off. Now, I
2 don't think it was the press, and I want to go ahead and say
3 this. I don't know this court's -- this courthouse's standard
4 order of electronic devices, only lawyers are allowed to bring
5 cellphones into the courthouse, only lawyers. Now, the press
6 has been given an exemption for this particular case because
7 they have elected to sign off on the declaration.

8 If there is anyone else, a party or anyone of that
9 nature, who wishes to have a phone, you have to get permission
10 from the Court, but no one else should have an electronic
11 device. And I'm going to ask to make sure that the CSOs
12 downstairs have taken care of the business of the Court down
13 there.

14 But I just say that -- I realize the sheriff has a
15 cellphone, and I'm going to allow him; he's the sheriff.
16 Ain't no telling what's going to go on in Hinds County during
17 the course of this trial. I mean, Mr. Shelson went through a
18 litany of things that the County is trying to take care of.
19 But for purposes of that, I just want to say that because when
20 you go back downstairs and you come up, you may be asked to
21 turn in your phone.

22 Now, it just doesn't have to be lawyers who are
23 involved in this case, because lawyers know -- lawyers --
24 lawyers know what the rules are, so it doesn't matter. It's
25 just that you are a practicing lawyer here and you're free to

1 bring them, but no one -- well, members of the lawyers'
2 team -- I mean, obviously, the paralegal, I think that person
3 or the assistants as well. It just doesn't have to be -- the
4 people on the trial team may have access to a cellphone, but
5 otherwise no one else should.

6 All right. Thank you. We'll be back at 1:15.

7 MS. SUMMERS: All rise.

8 (A lunch recess was taken.)

9 THE COURT: You may be seated. I apologize for
10 returning a little late. Is there anything we need to take
11 care of before we begin?

12 MR. HALL: Your Honor, real briefly, the Court advised
13 of its phone policy, *et cetera*. We have our PREA coordinator
14 who is here in the courtroom monitoring this afternoon. I ask
15 for permission for her to have her phone, because if something
16 happens at the jail that's PREA related, they notify her, and
17 she has to handle it immediately.

18 THE COURT: Okay. All right.

19 MR. HALL: Thank you, Your Honor.

20 THE COURT: Thank you. You were instructed about the
21 policy, though, it needs to be silent and all of that; right?

22 MR. HALL: Yes, Your Honor.

23 THE COURT: Okay.

24 MR. CHENG: Your Honor, I should probably clarify. The
25 PREA coordinator is an employee of the County. Is she --

1 THE COURT: She's not going to testify, I presume.
2 She's not a witness.

3 MR. HALL: She's not a witness, Your Honor. She won't
4 testify.

5 MR. CHENG: That's fine.

6 THE COURT: All right. You may proceed.

7 MR. CHENG: Thank you, Your Honor.

8 BY MR. CHENG:

9 Q. Mr. Parrish, do you provide technical assistance as part
10 of your duties on the monitoring team?

11 A. Yes, I do.

12 Q. And what type of technical assistance do you provide on
13 your visits?

14 A. Over the years I've tried to provide a broad range of
15 recommendations and references for them to be able to address
16 their problems, starting off with initially trying to bring on
17 board somebody who could coordinate the consolidation of
18 records and classification into one unit. And I worked with
19 my contacts at the National Institute of Corrections to
20 research several candidates, and finally the monitor brought
21 on board my top recommendation, a woman named Karen Albert,
22 who was brought on board to do that function. Subsequently
23 she took on other responsibilities dealing with policies, but
24 that's not what she was brought on board for.

25 Q. When you say "brought on board," was she brought on board

1 by you, or was she brought on board by someone else?

2 A. No, sir. I just made recommendations on a qualified
3 person. I looked at several candidates that were recommended
4 through the National Institute of Corrections, and through my
5 contacts with them and my discussions with those individuals
6 as to what we were looking for, that got passed along to the
7 monitor for her to be able to make a decision.

8 Q. And did the County consent to working with Ms. Albert?

9 A. Yes. And she was very helpful. That was just one aspect
10 of the kind of work that I did. There were a number of other
11 things, such as making recommendations to go to American Jail
12 Association or American Correctional Association conferences
13 so they could go through the exhibit hall and meet with
14 vendors who would be able to provide furniture --
15 corrections-type furniture, not ordinary furniture; security
16 and hardware specialists; and so forth.

17 And then I made suggestions on a number of other things,
18 including through NIC to bring on trainers to help train the
19 trainers for direct supervision. And ultimately they did do
20 that, and that was brought on board at no charge to the
21 County. Just a broad range of things like that that I've done
22 over the years to try and help and refer them to people who
23 can help and provide services.

24 Q. Now, before Ms. Albert -- well, let me ask you, when did
25 Ms. Albert start working with them on policies and procedures?

1 A. Probably three years ago.

2 Q. Before Ms. Albert was brought on, how were they doing in
3 terms of implementing the court orders on policies and
4 procedures?

5 A. The County -- or the sheriff's office did not have
6 anybody that was well qualified to do that, and they would
7 turn it over to a certain individual to work on or they would
8 try to get together a group to work on, and there was no
9 coordination and there was no consistency in the type of
10 documentation that was being developed or consistency with
11 what's provided in other jurisdictions.

12 For instance, I provided a copy of the Hillsborough
13 County Sheriff's Office policies and procedures. It's two
14 manuals about this thick. It's very comprehensive because
15 it's a huge agency. I then provided the similar thing from
16 Volusia County, which is very similar -- that's Daytona,
17 Florida, very similar in size to Hinds County -- to use as a
18 model. I gave them examples of incident reports, of
19 use-of-force reports, and then the policies and procedures,
20 and said here are agencies that are accredited by ACA, are
21 doing it right; it's a good model for you to follow.

22 And that's the kind of thing that I provided to them.
23 But they didn't have somebody with the historical background,
24 the experience doing it, or the technical skills, and so
25 that's what -- she kind of fell into that, because they

1 desperately needed somebody who could help coordinate the
2 process.

3 Q. So early in that process, did they actually have a policy
4 and procedure manual for the jail?

5 A. There was a policies and procedures manual that was
6 provided to us in about 2017. When the monitoring team and
7 the Department of Justice looked at it, we found it to be
8 totally inadequate. It was very poorly written. It did not
9 address comprehensive issues that are required by the
10 settlement agreement, and it was not worthy of being used. So
11 it was rejected out of hand.

12 Q. Was that policy and procedure sufficient to provide
13 reasonable safety in the jail?

14 A. It was totally inadequate across the board. They just
15 were not good policies and procedures.

16 Q. And were the staff actually familiar with that policy and
17 procedure manual at the time?

18 A. I can't actually recollect doing an analysis of
19 familiarity. My experience has been in going around to the
20 various facilities and into the control rooms and so forth
21 asking for a copy of the policies and procedures manual or are
22 you familiar with it, I would get negatives. They couldn't
23 find the manual; they weren't familiar with it. And one of
24 the things that we pushed for and they basically have in place
25 now is at least in each control room a copy available. It

1 doesn't mean people review it, but at least it's there and
2 available.

3 Q. So let's talk now a little bit about the -- actually,
4 it's not a little bit. Let's start talking about the
5 substantive areas of the consent decree.

6 In the monitor's reports, there's a overview/background
7 section that talks about the overall status of compliance. Do
8 you have any opinion about what your -- let me put it this
9 way: How would you summarize your overall assessment of
10 defendants' compliance with the consent decree?

11 A. Well, there are very few polic- -- or very few paragraphs
12 of the settlement agreement where there is compliance, and we
13 listened to those numbers earlier today in the reports that
14 were presented to the Court. There are a majority of the
15 paragraphs that are in partial compliance. Partial compliance
16 does not mean that they're in compliance. It means that they
17 have made some steps towards something.

18 There are some policies and procedures written, but
19 certainly not all of them. They have not been all adopted and
20 implemented through training and such, and so that may be
21 partial compliance, and that's the way most of them are
22 carried, somewhere in between.

23 There are a number which are totally in noncompliance.
24 As an example, staffing. Staffing is at an all-time low right
25 now. In the past five years, the staffing level has

1 fluctuated for detention between 205 and 256 officers. As of
2 the end of January, that number was 191. That's totally
3 unacceptable.

4 So those are certain categories that fall into the
5 noncompliance area. So across the board, they're far from
6 being close to being in compliance.

7 Q. So did you hear the defense counsel talk about the
8 differences between the different levels of compliance:
9 sustained compliance and partial compliance and noncompliance?
10 Did you hear any of that?

11 A. Yes, sir.

12 Q. Would the partial compliance with the decree actually
13 allow them to meet the goal of providing adequate security in
14 the jail?

15 A. No, sir. That was my point, that partial compliance does
16 not mean compliance. It means that you're moving toward it,
17 but it's not in compliance at this point, and --

18 Q. And how does their current compliance status overall
19 compare with how they did in the past in your previous
20 reports?

21 A. Well, nothing has changed significantly over the past
22 several years. We find one paragraph may move up to
23 compliance and then because of whatever happens in the next
24 inspection, it drops back to noncompliance. So the numbers
25 have remained relatively stable but flexible, slightly up or

1 down, in each category over the past several years.

2 Q. And after your most recent visit, how would you describe
3 the defendants' overall compliance with the consent decree?

4 A. They're in noncompliance. I look at the most critical
5 areas. My area is corrections operations. To run a jail, you
6 have to be able to close and lock the doors. You have to be
7 able to keep inmates confined into their living units. The
8 doors that get you between areas of the facility have to
9 function. They have to operate as a jail should operate. A
10 safety vestibule should be available to go in and out of the
11 control room.

12 None of the control rooms at Raymond have a safety
13 vestibule. A safety vestibule is two doors to get in. The
14 first opens, individual goes inside, that door closes, then a
15 second door opens and then you can come through. That way you
16 can never have a crowd of inmates or anybody come charging
17 through.

18 In the places where there are safety vestibules in the
19 Raymond Detention Center, they're not utilized. When I would
20 go from the administrative area of the jail back to what's
21 referred to as the great hall about 600-foot-long hallway that
22 runs the length of the building, master control would pop both
23 doors open at once. We'd just go wandering through, and then
24 I'll stand. I do this every time I come in. I stand there
25 and wait; when are they going to finally close the doors? And

1 eventually they close the doors. They should be open one, go
2 in, close, open the second. So not only do we have design
3 problems that have never been addressed of putting in proper
4 safety vestibules that get you into each control room, all of
5 the control rooms at Raymond have only one door. And if you
6 pop it open, that's it.

7 Q. During your most recent site visit, did you see those
8 type of issues with the doors?

9 A. Yes. What I just explained to you is exactly what
10 happened as I went into the building this time. When I went
11 from there to go back to booking, there's a door that comes
12 off the great hall that gets you into booking. The laundry is
13 on the right-hand side. That door was standing open for the
14 entire duration of my inspection in January, and when I asked
15 why that door was always standing open, which allows complete
16 access between booking, transportation, laundry, out to the
17 great hall, it's that door hasn't worked, so we just leave it
18 open.

19 Q. Have you seen that door on previous occasions, on
20 previous visits?

21 A. That problem has persisted over the years that I've been
22 coming through here. Sometimes it works and then it's out of
23 service again.

24 Q. And were there actually inmates in any of these areas who
25 could move around past the doors?

1 A. Absolutely. And recently there was a case where an
2 inmate came out of his cell in booking. He was being housed
3 in booking. He ended up running down the hallway, passed the
4 lieutenant's office, grabbed the fire extinguisher, discharged
5 it, ran out through the door that I just said is always
6 standing open, was out into the great hall, and had to be
7 chased down out there. That -- that's not the way you run a
8 jail.

9 Q. So when there are these types of gaps in the security,
10 does it pose any risk to the inmates' safety?

11 A. It poses risk to the inmates' safety and to the safety of
12 the staff.

13 Q. And how does it pose a risk?

14 A. If inmates are locked up, for instance, in a holding cell
15 in booking because they're so unmanageable anywhere else in
16 the building, it certainly doesn't make sense that they should
17 be allowed to defeat your security and run out into the great
18 hall from there. That's not the kind of person you want
19 running loose in the -- you don't want any inmate running
20 loose in the jail.

21 Q. And early when you first started working on this case,
22 were these types of breaches in security responsible for any
23 major incidents at the jail?

24 A. Let me back up for just a moment. We heard that the
25 Raymond Detention Center was a poorly designed

1 direct-supervision facility. I agree with that. But it
2 worked. There are lots of problem with that building, both as
3 to its design and its actual construction. But it worked. It
4 was at the time the largest direct-supervision jail in the
5 state of Mississippi. Opened up around '94, held over 600
6 inmates. There was an officer assigned inside each housing
7 unit at all times. The facility worked from 1994 until 2012.
8 The then sheriff for some reason decided to pull all the
9 officers out of the housing units, perhaps as a
10 manpower-saving issue.

11 MR. MORISANI: Objection, Your Honor. It's hearsay
12 testimony.

13 THE COURT: I'm sorry?

14 MR. MORISANI: Objection. He's saying what the sheriff
15 said. It's hearsay testimony.

16 THE COURT: Objection overruled.

17 BY MR. CHENG:

18 Q. You may proceed --

19 A. I'm sorry. I was not attempting to say what the sheriff
20 said --

21 Q. You may proceed, Mr. Parrish.

22 A. -- but it was that he pulled the inmates --

23 THE COURT: Okay. Hold on. Hold on.

24 MR. MORISANI: Your Honor --

25 THE COURT: What's your objection, Mr. Morisani?

1 MR. MORISANI: My colleague reminded me, too, that this
2 is in 2014 before the monitor ever even came on scene, so we
3 would object on that ground as well. He has no personal
4 knowledge of this.

5 THE COURT: Objection overruled.

6 I'll allow you, Mr. Cheng, to close the gap.

7 BY MR. CHENG:

8 Q. Why don't we just proceed. You were talking a little bit
9 about the history, but let's pry it back to the present and
10 how it affects your current opinion.

11 A. I guess the point I was trying to make was that it worked
12 under direct supervision but when the officers came out,
13 that's when there was a major riot in 2012. That's a matter
14 of record, and the inmates tore up housing pod Charlie to the
15 extent that it had to be shut down for two years to be
16 rebuilt. About three years ago, Charlie needed to be rebuilt
17 again because it had been destroyed over the years because no
18 inmates -- no officers worked inside the housing units.

19 The idea was that when it reopened in October of 2020, it
20 would be opened as a direct-supervision housing area. That
21 means an officer would be assigned inside each housing unit at
22 all times. In the confinement area, Charlie 4, there would be
23 two officers at all times. There would be an escort officer.

24 Q. If I could ask, when you say "confinement area,
25 Charlie 4," what is a confinement area?

1 A. A confinement area is where inmates who can't get along
2 in general population are locked in isolation in single cells,
3 and they generally come out of the cell one hour a day for
4 time to shower, use the telephone, and then they're locked
5 back down. So it's the high-security inmates who are
6 separated from general population.

7 Q. Would this be one of the areas that's covered by the
8 segregation provisions of the consent decree?

9 A. Yes. That's a different term that applies to the same
10 thing. It's just -- I call it confinement. I just found that
11 term to be better.

12 Q. So you were talking a little bit, again, about C-Pod when
13 they were supposed to reopen it as a direct-supervision unit.

14 A. Yes, sir. And so when it opened in October of 2020, it
15 was supposed to operate as a direct-supervision facility,
16 staffed appropriately. Unfortunately, that never happened,
17 and over the past year and three months, four months, the
18 housing units have routinely been left unattended. Officers
19 come out to do other jobs. They're short of staff. There's
20 nobody assigned. Consequently, the inmates have had free rein
21 to tear things up again. And even after all the work that was
22 done by CML, a private detention security company out of Texas
23 that the County contracted with, a lot of that work's been
24 destroyed again and there are doors in C-Pod that do not work
25 at all right now. Charlie 2 being an example.

1 Q. Now, this reopening of C-Pod, was that something covered
2 by the stipulated order?

3 A. Yes, sir. That was the contention was that to keep
4 control of the facility as it was rehabbed, it would be
5 operated under direct supervision. So the stipulation was
6 that when C-Pod opened up, it would be direct supervision.
7 Subsequently, when B-Pod was refurbished, it too would then
8 open up in direct supervision. And in the event that A-Pod
9 had to be used, it would be refurbished and then opened up in
10 direct supervision. But in between, there was a plan to shut
11 A-Pod down entirely, which is now in a state of flux. The
12 plan is tempor- -- at least use two of the four housing units
13 in A-Pod.

14 Q. So the stipulated order, is it a shorter set of
15 requirements than the consent decree itself?

16 A. Shorter? Yes. I think the terminology that was used was
17 an effort to deal with a specific number or a lesser number of
18 priority items to help the County move along towards
19 compliance with the whole settlement agreement.

20 Q. When the stipulated order was entered, do you remember
21 there was actually a hearing on that stipulated order?

22 A. Yes, sir, about two years ago.

23 Q. And at the time, did the defendants say anything to
24 suggest they would be unable to implement the stipulated
25 order?

1 A. My recollection is that they felt that that was a good
2 solution towards improving their chances of compliance.

3 Q. Now, your team has also assessed their compliance with
4 the stipulated order; is that right?

5 A. Yes, sir.

6 Q. And what did you conclude about their compliance with the
7 stipulated order?

8 A. They have complied with some of the provisions with
9 regard to hiring certain people that were required and so
10 forth. They have not solved the problem that goes basic to
11 everything of adequate staffing. One of the examples that to
12 me is the most critical or very critical deals with master
13 planning, and the County is moving forward with the master
14 planning committee to work on plans for a new replacement jail
15 to be built closer to downtown. And I agree with the concept,
16 but as a part of that, they were required to come up with
17 priority measures that would be taken to repair and maintain
18 the existing facilities because no new jail will come along
19 for a number of years and they're going to have to continue to
20 use the Raymond Detention Center and the work center. And
21 that part has been totally ignored, and we have asked time
22 after time to get that list of priority recommendations on
23 what does the Board of Supervisors agree to for funding
24 purposes; what does the sheriff agree to as priority what
25 needs to be done for his jails; what does the jail

1 administrator agree to; and then the architect, which is CDFL,
2 and HDR, who are working with them now, in moving forward to
3 make those repairs with time certain when each of them would
4 be corrected so we could see what order some things are going
5 to be done or are there some things that were originally
6 proposed that are not necessary now and they should be taken
7 off the table. That we're still waiting on.

8 Q. So let's talk about a few of those small items, those
9 specific items. You mentioned something about A-Pod. Were
10 they allowed to use A-Pod to house inmates?

11 A. They have continued to use A-Pod, even though no
12 renovations have been done there, out of necessity. What
13 happened was there are three pods at the Raymond Detention
14 Center. Each holds roughly 200 inmates, and each is comprised
15 of four housing units: Alpha, Bravo, and Charlie.

16 Alpha has never been rehabbed. It's in the worst case --
17 in the worst shape of all the housing units. Charlie has been
18 rebuilt twice and has now got maintenance problems because of
19 the failure to implement direct supervision. Bravo was shut
20 down when Charlie was completed, the idea being to bring in
21 the vendors, rehab that, fix the doors, fix the locks,
22 electrical and so forth. That work is not complete yet, and
23 yet it has been reopened since about October at least they've
24 been putting inmates in there. They haven't used all four
25 housing units, but generally they use three of the four

1 housing units to keep inmates.

2 Q. So this most recent site visit, did you go into the
3 A-Pod?

4 A. I went into A, B, and C, yes.

5 Q. And how would you describe the physical condition of
6 A-Pod?

7 A. A-Pod is a disaster. It's filthy; lights don't work;
8 locks don't work; doors can't be secured; cells don't have
9 lights inside them. Inmates since they can't even close the
10 doors, end up hanging blankets down in front of them to have
11 makeshift privacy to their cells. Showers don't work.
12 Everything in the place is torn up. It's just a very bad
13 mess. There's no fire extinguishers inside, of course,
14 because the inmates control that place. There are no officers
15 who work inside the housing units in Alpha. There are no fire
16 hoses. There are not even fire hoses out in the corridors,
17 around the control room in Alpha. That area is ill equipped
18 across the board.

19 Q. Are there fire hoses in B or C-Pods?

20 A. In Charlie there are fire hoses in the -- what's referred
21 to as the horseshoe that goes around the control room. That's
22 the officers' corridor. There's a fire hose inside the
23 control room.

24 There are fire hoses in Charlie 1, 3, and 4. In
25 Charlie 2 there used to be a fire hose, but it's been taken

1 out because that housing unit was left unattended so long that
2 the inmates tore everything up in there. There's no fire
3 extinguishers in any of the housing units in Charlie. You
4 have to go back to the control room to get a fire extinguisher
5 in the event of a problem.

6 In Bravo we don't have anything yet. No fire hoses
7 inside the housing units. Even in the horseshoe, on one side
8 the fire hose box is hanging this far out of the wall --

9 Q. If you don't mind, when you say that --

10 A. -- and has not been repaired.

11 Q. -- nobody has that on a written record. So about how
12 much distance is it hanging from the wall?

13 A. Probably six to eight inches hanging out of the wall.

14 Q. Were they supposed to be able to house inmates in B-Pod
15 before the fire safety issues were addressed?

16 A. No. The idea was that Bravo would not open until it
17 was -- all repairs were completed, but because the population
18 has hovered around 600 and there are not sufficient beds
19 available, the decision was made in-house there within the
20 jail system to open up areas in Bravo Pod before the work was
21 done, and that's been -- as I said, been going on since last
22 October.

23 Q. And when they started using B and A-Pods, did they have
24 the staff to cover all those housing units?

25 A. No. The staffing situation is so critical that, for

1 instance, on Monday, the first day of my most recent site
2 inspection, when we went into Alpha Pod, there was one officer
3 working in the whole pod in the control room. There were no
4 officers on the floor for all four housing units. None.

5 In Charlie the situation was better, but -- in the
6 direct-supervision housing units. But in Charlie 4, which
7 we've referred to earlier as the confinement area where there
8 are supposed to be two officers at all times, there was nobody
9 assigned in there. There was one officer who was sitting in a
10 chair outside of Charlie 4 and adjacent to Charlie 4 iso,
11 which is a 4-cell isolation unit. It's a little subdivision,
12 which is used for suicide watch, and there was initially one
13 inmate locked inside a cell inside the iso unit, which makes
14 him totally invisible to the officer who's supposed to have
15 him under constant supervision. Physical impossibility. And
16 that one officer was also responsible for doing the 30-minute
17 well-being checks on all the inmates in Charlie 4. So we have
18 one officer who's doing the job of three. And I don't mean to
19 be flip, but I asked the officer if he was being paid triple
20 because he was doing the work of three people, and it wasn't
21 getting done. It was impossible for one person to handle all
22 of that.

23 Q. If they hired three people, do you think it would cost
24 more than 31,000 a year?

25 A. If they hired three --

1 Q. Three people, would it cost more than \$31,000 a year?

2 A. It would be more like \$93,000 a year plus benefits.

3 Q. So -- okay. Take aside the staffing issue in the housing
4 units. Are there fire sprinklers in those housing units?

5 A. Initially I was given some bad information when I first
6 starting doing this and I thought that the sprinkler system
7 had been removed from the housing areas. Apparently there
8 never was a sprinkler system built into the housing area at
9 Raymond. There is a sprinkler in the administrative wing, in
10 the laundry, in the kitchen, and medical. It was not
11 functioning, but it is now.

12 Q. How about --

13 A. But it's not in the housing units. It was never designed
14 for that.

15 Q. How about smoke detectors and alarms in the housing
16 units?

17 A. An alarm system has not functioned at the Raymond Center
18 for I don't know how long, but it does not now. It has to be
19 rewired and then a new alarm system put in place.

20 Q. Well, how about security cameras? How is the security
21 camera system doing at Raymond?

22 A. There are a number of cameras throughout the facility,
23 but for the past year at least, there have been approximately
24 60 cameras that are not functioning or out of action for one
25 reason or another, and every time we ask about it, it's

1 somebody's going to come in and look at it and we're going to
2 get this fixed; and the next time we come back to inspect, the
3 same situation exists. And that's the way it is today, and
4 I've been told that there's a local firm that's supposed to
5 come in and do an analysis and then hopefully get standardized
6 servers that control all of them and a proper recording system
7 and then get those 60 or so cameras back online at the Raymond
8 Detention Center.

9 Q. In your experience, does staffing have anything to do
10 with the physical condition of the facility?

11 A. Well, staffing is critical to everything in the operation
12 of a jail. If an area is left unattended, then the inmates
13 have control of things and staff can do nothing more than
14 respond to problems. I guess that's why it's built into the
15 settlement agreement that we need to return to the
16 direct-supervision method of operation. That's where an
17 officer is inside the housing unit with up to 64 inmates
18 face-to-face just like you and me without even this kind of
19 barrier in between, but that's 24 hours a day, seven days a
20 week.

21 I equate direct supervision to like a teacher being in
22 the classroom. If the teacher is in the classroom, the
23 children can be learning. If the teacher's down the hall on a
24 break or in this instance sitting in a control room, the
25 inmates run everything. And the inmates then have control of

1 nine-tenths of the jail, all the living area, and the staff
2 has one-tenth, the hallways and the control rooms. So who's
3 in charge here anyway, them or us? And, quite frankly, it's
4 them. That's why direct supervision is the only practical way
5 to run a jail, to run the whole place and be in charge of
6 everything.

7 Q. Are cameras a substitute for having staff in the housing
8 units?

9 A. Cameras are -- they're not a substitute. They
10 complement. They make it possible to go back and look at
11 incidents after the fact and look at recordings and determine
12 exactly what happened. They give a second set of eyes to
13 people that may be in remote areas, such as a master control
14 or a pod control area, but they can't take the place of a
15 human being, an officer being inside each housing unit.

16 Q. Let me take another one of the stipulated order remedies.
17 Does the stipulated order address the use of booking cells?

18 A. I'm quite sure that the book- -- I can't remember exact
19 wording of everything. I know that booking cells have -- are
20 not supposed to be used for housing, and that's built in from
21 the very beginning of the settlement agreement. I'd have to
22 go back and read it again to get me the exact paragraph. I
23 can't come up with it off the top of my head. But that has
24 been such a long-standing problem that it's critical that they
25 not be used for housing of inmates.

1 They were designed to hold people for no more than eight
2 hours. They have no windows. There's no recreation area.
3 There's no visitation space. There's only one shower that
4 services the whole area, and that's not even located right
5 there. It's down around the corner. It's not designed for
6 housing, so --

7 Q. So did the defendants stop using the booking cells in
8 order to comply with the Court's orders?

9 A. No. That has continued as long as we've been doing the
10 monitoring process, and it went on for long before. When I
11 first inspected the facility before the monitoring process
12 began, I found an inmate who had been locked up in one cell,
13 and staff told me that he had been in that cell for three and
14 a half years.

15 Q. And so during the most recent round of inspections, have
16 you continued to find inmates being housed in the booking
17 areas?

18 A. Yes, sir. On the last day of my inspection, I
19 double-checked. The first day they were there. There were
20 inmates who were housed in there. I waited till the end of
21 the week. I went back and asked again and looked, and there
22 were -- at that time on Thursday, there were still four
23 inmates being housed in booking.

24 Q. And does the jail have some type of plan or procedure
25 that tells them what type of inmates to house in booking?

1 A. No. And that's not something that could be included in a
2 policy because it would be contrary to policy, so it's just
3 done on an *ad hoc* basis. When somebody becomes too
4 problematic in the housing area, a decision is made at some
5 level to say put that person in a holding cell in booking.

6 Q. Are they housing anybody in booking who might have a
7 serious mental health issue or medical condition?

8 A. Well, for serious mental health issues, yes, there have
9 been several people who have been housed in booking who had
10 problems there, including one suicide that records showed had
11 serious mental health problems.

12 Q. We'll talk a little bit more about the deaths later, but
13 let me ask you more broadly. Have the defendants implemented
14 the consent decree provisions that are reasonably necessary to
15 protect detainees from violence by other prisoners?

16 A. I'm sorry. I missed the last part of that. That --

17 Q. Sure. Have the defendants implemented the consent decree
18 provisions that are reasonably necessary to protect detainees
19 from violence by other prisoners?

20 A. I think the statistics show that that's not the case,
21 that there are an excessive number of assaults. It's a
22 constant ongoing problem throughout the Raymond Detention
23 Center. I looked at the spreadsheet that the monitor put
24 together on assaults of all types covering the last four
25 months, and it came out to approximately 77 over a four-month

1 period of time. That's about 20 per month, one of them being
2 an assault that resulted in the inmate being beaten to death.
3 Some of them were minor. Some of them were stabbings. Some
4 of them were serious beatings. That's -- that kind of routine
5 activity at the Raymond Detention Center is out of line with
6 what would be the case if it were operated under direct
7 supervision.

8 Q. Have the defendants implemented the consent decree
9 provisions requiring them to provide detainees with safe and
10 sanitary physical shelter and living conditions?

11 A. Safe and sanitary --

12 Q. Physical shelter and living conditions?

13 A. And living conditions. I'll give you the example of the
14 laundry situation at Raymond right now.

15 Q. Well, if we could, if you could answer first the question
16 and then you can discuss it.

17 A. Excuse me.

18 Q. Have the defendants implemented the consent decree
19 provision requiring them to provide detainees with safe and
20 sanitary shelter and living conditions?

21 A. The answer is no.

22 Q. Now, what -- what is it about the laundry that suggests
23 there's a problem with living conditions?

24 A. Well, there now is a policy on laundry, and it specifies
25 the number of items that are supposed to be provided at the

1 point of booking, and it specifies the frequency of laundry
2 exchange and so forth so that inmates have clean clothes,
3 clean linens, and that standard is met at the work center, but
4 at the Raymond Detention Center, over 50 percent of the
5 laundry equipment does not function.

6 So there are four washers. Two of them don't work.
7 There are three driers. Two of them do not work. So there's
8 only one drier that functions. The laundry officer told me
9 that they have been down for over two months. I interviewed
10 inmates as well to confirm what the laundry officer said about
11 the issuance, and she indicated they now only issue half of
12 what the policy requires. They only give one uniform.
13 Inmates confirmed that was the case, and if they want to get a
14 clean uniform, they have to take off theirs, turn it then and
15 at some point in the future, hours or maybe the next day, get
16 a replacement. In the meantime they're running around in
17 their underwear.

18 Q. When you were walking through the facility, did you
19 notice anything about the condition of their uniforms and
20 clothing?

21 A. Inmates are always supposed to be dressed in the proper
22 jumpsuit, and that's not the case at -- at Raymond. It was
23 substantiated by what I was told by the laundry officer and
24 the inmates themselves.

25 Q. When you say "proper jumpsuit," do they assign different

1 types of jumpsuits to the inmates?

2 A. Yes. They actually have some different colors that go to
3 the inmates that are housed at the work center versus those
4 that are housed at the Raymond Center and inmate workers
5 versus general population, that sort of thing.

6 Q. So when you go through the jail, can you tell from their
7 uniforms what security level an inmate is?

8 A. Not necessarily. Inmates can swap out uniforms any time
9 they want to, that's why I like the idea of just one standard
10 uniform, unless you're in a lockdown environment, but...

11 Q. Do they use wristbands to identify inmates?

12 A. One of the paragraphs require that the wrist bands, every
13 inmate has to wear a wrist band. There are no inmates in the
14 jail system right now wearing wristbands. I never saw one, no
15 matter where I went. And when I questioned that, I was told
16 the Clincher wristband machine had died about six months ago
17 and no wristbands had been issued since then. The inmates
18 would rip them off, so nobody is using a wristband. And
19 wristbands should have the heavy-duty version of what you get
20 in the hospital with a picture, and it says, "Here's a picture
21 of David Parrish, and here's David Parrish's information." So
22 if I look at this and look at my face, you know, I got the
23 right person." Okay. You can go over there when I do head
24 count. That's the kind of thing that's supposed to be in
25 place for inmates to have access to the privileges they're

1 supposed to, whether it be food or recreation or whatever.

2 Q. So are the wristbands used like an identification of some
3 sort?

4 A. Yes, sir.

5 Q. And you mentioned recreation, how are they used for
6 recreation?

7 A. Well, the officer needs to know who he or she is dealing
8 with. So if he's taking a certain number of inmates and
9 allowing them for recreation, he really needs to know who it
10 is. So that's the purpose of a wrist band. Whether it's a
11 head count or for any other activity, or to make sure that
12 each inmate gets his or her meal, that sort of thing.

13 Q. How about medications, do they use wristbands?

14 A. For medication when the nurses come around to make sure
15 that the right inmate is getting the medication that he's
16 supposed to.

17 Q. Have there been any security incidents with the handing
18 out of medications in the jail?

19 A. Yes. There's always supposed to be an officer along with
20 the medical staff when they're doing medical services, taking
21 meds out to inmates and so forth, and there have been people
22 who have been assaulted during that time frame.

23 Q. When you say "people" --

24 A. Nursing staff.

25 Q. Have those types of security issues led to tensions

1 between security and medical staff?

2 A. Well, medical staff is frustrated that there are not
3 enough officers available to go with them. So I observed when
4 I was there several weeks ago, two nurses handling med pass by
5 themselves with no officer present.

6 Q. I want to talk about another area just broadly first.
7 Have the defendants implemented the consent decree provisions
8 that are reasonably necessary to protect detainees from
9 unnecessary or excessive use of force by staff?

10 A. They have put in place a policy that deals with use of
11 force that sets an appropriate standard. It specifies that
12 something such as OC not be used in a coercive manner to force
13 an inmate to follow your verbal directions; that it be used to
14 break up fights or to protect staff or other inmates. And
15 initially, that did not seem to have any effect. In fact,
16 many of the cases where OC was improperly used in a coercive
17 manner, the investigation by IAD exonerated the use of force.
18 So when we finally brought it to their attention --

19 Q. If you don't mind, what is OC?

20 A. OC is pepper spray. It comes in two forms: There's a
21 spray which is generally used out on the street; and there's a
22 foam which is preferred for use inside a jail, because it
23 doesn't get sucked up into the air conditioning. But it's
24 something that an officer carries in a small canister to
25 protect him or herself, or to keep inmates from hurting each

1 other.

2 Q. And what is IAD?

3 A. Internal affairs investigations.

4 Q. And you were talking about the internal affairs
5 investigation clearing the use of force; is that right?

6 A. They were exonerating those across the board until we
7 brought it to their attention in a recent site visit. And
8 that paid dividends because the then IAD investigator went
9 back to the policy and started enforcing that, and we found
10 that some officers who misused OC, for instance, were held
11 accountable by IAD, which then ultimately could result in
12 disciplinary action. So things have gotten better. There has
13 been training starting with supervisors. There has been
14 training for officers, and it is moving in the right
15 direction.

16 Q. Now, this IAD officer, what was the name of the IAD
17 officer who held some of the staff accountable?

18 A. His name was Marlo Brennen. He'd been in that job as
19 long as we had been doing the monitoring, but he resigned in
20 November to go to work for the state.

21 Q. Does the use-of-force policy cover Tasers?

22 A. No.

23 Q. Do they use Tasers in the jail?

24 A. Tasers were recently introduced into the jail, but
25 they're not covered by policy at the present time.

1 Q. Do you know who introduced the Tasers to the jail?

2 A. I don't know who actually gave the order for it, but it
3 did not come from the jail administrator was my understanding.

4 Q. Could it have been introduced without the sheriff's
5 approval?

6 A. I would think not, but I don't know for a fact.

7 Q. All right. Does the consent decree have provisions
8 governing the use of force?

9 A. Yes. There's a major section covering use of force.

10 Q. Does every staff member who supervises prisoners receive
11 at least eight hours of pre-service use-of-force training and
12 annual use-of-force refresher?

13 A. Okay. New officers who come on board go through what
14 we'll call a basic recruit academy, which includes that
15 training. That is supposed to be followed up on an annual
16 basis with in-service training. They're moving that
17 direction. I'm waiting for the most recent report to come
18 from the training director that will cover the last few
19 months. But, at least, new officers coming on board go
20 through an academy. But the way it was originally set up was
21 that that would precede being assigned anywhere in the jail.
22 Unfortunately, some people decided they couldn't wait for the
23 next academy to start, and then took a job somewhere else. So
24 they have brought people on board, put them with another
25 officer temporarily until the next academy started up as a

1 means of trying to keep that new applicant to stay with the
2 sheriff's office.

3 Q. But if they started before they complete the academy,
4 would they have completed use-of-force training before they
5 started working in the jail?

6 A. No, they would not. But the concept is that they would
7 work with another officer, not be cut loose.

8 Q. Were they supposed to set up a field officer training
9 program to train these new recruits?

10 A. Yes. I made recommendations for a field training officer
11 program, probably four years ago. That was one of the
12 technical assistance things that I didn't mention earlier when
13 we talked about technical assistance. I gave them our FTO
14 manual, our training program, and all that had been used.
15 Over the years there has been a long-standing plan to do that,
16 but it never got off the ground. Within the past 6, 8 months
17 two lieutenants, one from detention training, and one from
18 law-enforcement training went through an FTO training program
19 so that they could implement that. My understanding during
20 the most recent site visit, though, was that the lieutenant
21 from the work center was actually tasked with starting the FTO
22 program, rather than the people that were assigned in
23 training. So they have started an FTO program -- I'm just
24 glad to see something happening -- it just got convoluted in
25 the implementation stage.

1 Q. As far as you know, the lieutenant from the work center,
2 has he completed an FTO program himself?

3 A. I'm not aware of it.

4 Q. So you mentioned they pulled someone from the work
5 center. Is staffing completely separated between the work
6 center, Jackson, and the Raymond Detention Center?

7 A. No. Initially -- before we started, there were three
8 stand-alone facilities that were independent. Under the
9 settlement agreement, it was supposed to be consolidated into
10 one jail system; that's the case. However, there's a certain
11 amount of inertia to overcome, and people who had worked at
12 the Jackson center for many years were not interested in
13 driving out to Raymond to work. Those people that had worked
14 at the work center for years, did not want to go work at the
15 Raymond Detention Center. So each jail basically kept its own
16 employees, and then there was higher turnover at Raymond than
17 at the other facilities. So most of the new people went to
18 Raymond. I'm just giving you historically.

19 Recently, because of the critical shortage of staff, the
20 number of officers who were moved from the work center --
21 excuse me -- who were moved from the Jackson Detention Center
22 when it was closed to the work center were then moved to
23 Raymond Detention Center, including a number of supervisors to
24 try and supplement the work force at the Raymond Detention
25 Center. So inmate -- excuse me -- officers can be moved

1 between facilities. Historically, there was hesitancy to do
2 that, but under the previous jail administrator, she made some
3 of those moves to try and equalize the work load.

4 Q. So what was the purpose of consolidating three different
5 jails into one structure?

6 A. Well, before the monitoring process, there were three
7 separate jails that ran like three islands. I mean, they were
8 each independent. A captain in charge of a facility
9 controlled all the staff that was there, and if they needed
10 somebody else, they were hired and brought in right there. It
11 didn't go through a central point. It wasn't a jail system;
12 it was three independent jails working for the sheriff's
13 office. And there was a person who designated as the jail
14 administrator, but she had no power over anything except the
15 Raymond Detention Center. When the monitoring process began,
16 that ended and the jail administrator took charge of all three
17 jails.

18 Q. And are there any advantages from having one jail
19 administrator controlling all three facilities?

20 A. Certainly. I mean, it's a system. Each facility has to
21 help support the others. They're not identical; they can't
22 stand alone. You can't have one jail say, Well, you can't
23 send me that kind of inmate because this is my jail. You need
24 a central point of control of everything. Classification, for
25 instance, needs to make the decision on where inmates go

1 between facilities and within a facility. You can't have
2 independent supervisors or independent captains in charge of
3 facilities making decisions on which inmates I'll accept and
4 which I will not. That doesn't work.

5 Q. So as they're set up right now, how are the types of
6 inmates sent to the work center different from the ones who
7 are held at Raymond?

8 A. Everybody is booked at the Raymond Detention Center:
9 men, women, everybody. All the women are housed at the work
10 center. So regardless of their charge or classification
11 category, they're all housed in Housing Unit 2 at the work
12 center. That's because there are only about 30 women in the
13 whole jail system. They can't afford to dedicate more than
14 one housing units to taking care of women.

15 By and large, the work center is considered a minimum or
16 low custody facility -- because it was designed as a work
17 center. It was originally a joint County-state work center.
18 And state prisoners who came back were used out on the street
19 cleaning, cutting grass, working in the gardens, and
20 low-custody inmates in the jail system were used the same way.
21 So it was not a secure facility. Over the years, the use of
22 that facility has morphed, its changed. It now has to serve
23 as a jail because the Jackson Detention Center is no longer
24 operational because of plumbing and HVAC problems that shut it
25 down two years ago. So they have to use that as a jail.

1 Sometimes people are housed there who are considered too high
2 a risk for that facility, but out of necessity, some people
3 like that go there. As long as they behave, that's where the
4 classification criteria of behavior becomes critical even more
5 so than charge.

6 Q. Is it possible for the sheriff's department to fix
7 everything at the Raymond Detention Center and not have any
8 control over the work center?

9 A. For the sheriff's office to fix --

10 Q. Could a jail administrator fix the problems at Raymond
11 Detention Center even if they had no control over what happens
12 at the work center?

13 MR. MORISANI: Objection, Your Honor, calls for
14 speculation.

15 THE COURT: Objection overruled.

16 A. It still needs to operate as a system. There's no one
17 facility that can take care of Hinds County's total inmate
18 population; the two have to work in concert with each other.
19 So the jail administrator has to be able to manage both
20 facilities today, plus the ground level of the Jackson
21 Detention Center which has not been closed down. There are no
22 holding cells in the courthouse. So when people go to court,
23 they have to go into the holding cells on the ground level of
24 the old Jackson Detention Center, and that has to still
25 operate Monday through Friday during the day time to get

1 people to and from court. And around the clock, that control
2 room has to be operated to get people in and out of the
3 building or there's no way to get in and out because the entry
4 on the administrative level shuts down at 5:00.

5 BY MR. CHENG:

6 Q. And could they have different policies and procedures for
7 the work center from the Raymond Detention Center? Could that
8 system operate for different policies and procedures?

9 A. They should not have different policies and procedures.
10 They can have different post orders, that's something that has
11 never been developed. There are no post orders and they need
12 to be written after the policies have been adopted -- approved
13 and adopted and implemented. But based on what the policies
14 are, each post in each jail is a little bit different. And
15 post orders need to be written for that area so that when an
16 officer is standing post in Charlie 2, it's different
17 responsibilities than if he's working in Charlie 4, which is
18 lockdown, or between facilities the same way.

19 Q. All right. Let me go back again to the use-of-force
20 standards. Does the County randomly test at least 5 percent
21 of jail staff members annually to determine whether they have
22 a meaningful working knowledge of all use-of-force policies
23 and procedures?

24 A. No, that has never been done.

25 Q. Does the County update use-of-force training within

1 30 days after any revision to a use-of-force policy or
2 procedure?

3 A. There have been no revisions to use-of-force policy since
4 it was implemented.

5 Q. By the way, what is the difference between a post-order
6 and a policy?

7 A. A policy explains how things are to be done in general;
8 and it may be very specific, but it's not post oriented. It's
9 -- if you're working in direct supervision, these are the
10 things you need to do. If you're working in confinement,
11 maybe these are things that you need -- if you're working in
12 booking, these are things that apply.

13 But if you're assigned to a particular post within a
14 jail, that post is supposed to have post orders that are based
15 on the policy that governs that general area. They're much
16 more specific; they don't apply anywhere else, only to that
17 one post. So if you're standing -- the officers post in
18 booking who has to do well-being checks in the holding cells,
19 there needs to be post orders that explains exactly what that
20 person does. There's no place else where it would say what he
21 or she is supposed to do.

22 Q. Do post orders get incorporated into training for staff?

23 A. Well, they will be eventually, but they don't exist now,
24 so haven't been.

25 Q. So if staff aren't trained on, say, use-of-force policy,

1 does that pose any risk to the inmates or to staff?

2 A. Well, to both because officers would not necessarily know
3 what or what not to do, and inmates would not be treated the
4 same by all staff. That would be counterproductive.

5 Q. I think you talked earlier about the use of OC spray to
6 enforce compliance or use it for -- I forget the term. Was it
7 coercion or compliance?

8 A. Coercion should not be used to coerce an inmate into
9 doing something, like, get into your cell and the inmate
10 refuses. And so, if you don't get into your cell, I squirt
11 you with OC. That's against the policy.

12 Q. Why is that against the policy?

13 A. Because that kind of nonlethal weapon is supposed to be
14 used to protect the officer if somebody is trying to assault
15 him, or to break up a problem where two inmates may be
16 fighting, or multiple, and the officer doesn't need to be hurt
17 by getting into the middle of the mix, so you can spray then.
18 But it's not meant to punish somebody: Do what I say or I'm
19 going to spray you. Come out of that cell or I'm going to
20 spray you. I mean, that's the kind of thing that happens and
21 that's why it's written in the policy.

22 Q. Are most of the inmates in the jail pretrial detainees?

23 A. Yes.

24 Q. So if somebody used pepper spray on an inmate to make
25 them come out of the cell, are they punishing the person or

1 the detainee?

2 MR. MORISANI: Your Honor, objection, calls for
3 speculation.

4 THE COURT: Objection overruled.

5 A. It's an inappropriate use of a viable resource given to
6 the officer. So, yes, it's punishment. It's inappropriate.
7 It should be used to protect either inmates from each other,
8 or officers from inmates. Because officers don't have to take
9 the first punch before they do something; they can protect
10 themselves. But they can't say, Do what I say, or I'm going
11 to hit you with this.

12 BY MR. CHENG:

13 Q. Does the jail actually have a disciplinary policy if
14 inmates break the rules or don't obey instructions?

15 A. There is a disciplinary review board that's administered
16 on the -- primarily on the law enforcement side of the
17 sheriff's office. There may be input from detention -- now,
18 I'm not exactly sure how it works under the current
19 administration. But they review things that had been referred
20 to them as, here's an officer who failed to follow procedure,
21 or who brought contraband into the facility, or did whatever.
22 And then the disciplinary review board makes a recommendation
23 which goes to the sheriff who then authorizes whatever
24 disciplinary action is necessary.

25 Q. Does that disciplinary procedure allow officers to use

1 pepper spray without any type of disciplinary process?

2 A. No.

3 Q. Let's talk a little bit more about staffing. Does the
4 consent decree require a staffing analysis?

5 A. Yes, sir.

6 Q. And did you ever work with the defendants to develop a
7 staffing analysis?

8 A. Yes, on several occasions.

9 Q. Was that some of the technical assistance you provided?

10 A. That's some of it, yes.

11 Q. Before you started working on it, had they completed a
12 staff analysis as required by the decree?

13 A. No. The sheriff's office had brought in the National
14 Institute of Corrections to get technical assistance on how to
15 do a staffing analysis. They brought in an expert named Rod
16 Miller who is one of the best in the business, as far as
17 knowledge about that. He did not do the actual staffing
18 analysis. He laid out how the staffing analysis was to be
19 conducted, what weight should be given to determining a relief
20 factor, whether you're on a 12-hour shift, an 8-hour shift,
21 how much sick time, vacation time, and so forth. So you
22 compute all of that and come up with a proper relief factor.
23 The jail is unique in that it has to operate 24 hours a day.
24 So when you say, "I need an officer in this post," it really
25 takes about 1.5 personnel to staff that one post 24 hours a

1 day, seven days a week. It gets complicated when you're
2 talking about a shift that's only operated, Monday through
3 Friday, day shift, or seven days a week, but only on one shift
4 or two shifts. So he didn't do that. But when I came on
5 board, I took what he had; I sat down with the then jail
6 administrator and her staff, and --

7 Q. I'm sorry. Who was that jail administrator?

8 A. Major Rushing. And I helped walk them through the
9 process. And I had them independently do it using the
10 guidelines, and I independently did it, and then we compared
11 notes. And we were like very, very close; it was a good
12 process. That called for roughly 421 personnel to run the
13 whole jail system at that time. That's when we had the
14 Jackson Detention Center, the work center, and the full
15 Raymond Detention Center operational, none of it shut down.
16 Then --

17 Q. If I could -- before you move on. Did they ever budget
18 enough positions to meet the staffing requirements?

19 A. No. The most officers that have ever been budgeted was
20 281. And in the December, the County just unfunded 48
21 detention positions, taking it down to 233.

22 Q. So when you say "December," do you mean December 2021?

23 A. Yes, sir.

24 Q. So in December 2021, how many budgeted staff, detention
25 officer positions were --

1 A. The end of December, 2021, 233 authorized detention
2 staff.

3 Q. So we talked about the staffing analysis when there were
4 three facilities. Was that staffing analysis ever updated?

5 A. Yes. It's been updated multiple times since then because
6 there have been a number of changes: One, the closing of the
7 Jackson Detention Center; two, the jail system went from an
8 eight-hour shift to a 12-hour shift. That's a little bit more
9 efficient and that effects the number slightly. And then
10 subsequently, the jail system returned to the eight-hour
11 shift. So there have been two additional staffing analyses
12 that have been done. Since then, the most recent one being --
13 I think, around October of last year, I worked with then Major
14 Bryan to develop that, and that current staffing analysis
15 calls for a total of 329 officers required, if all of Alpha
16 Pod remains closed, and 351 officers required if Alpha 3 and 4
17 are kept open.

18 Q. So how many officers do they currently need to safely
19 operate the jail?

20 A. Right now?

21 Q. Yes.

22 A. Well, they've got more open right now than the plan calls
23 for, so that would throw my numbers off a little bit. If they
24 closed half of Alpha and used the other half of it, and kept
25 all of Bravo open, then it would be 351.

1 Q. And how many officers do they actually have in the jail?

2 A. As of the end of January, the number was 191; it's the
3 lowest it's ever been.

4 Q. So Paragraph, or rather, Section 4(a) of the consent
5 decree deal with staffing and supervision. Do you have an
6 opinion about whether defendants are complying with the
7 consent decree requirements for staffing and supervision,
8 Section 4(a)?

9 A. I've had a constant problem with supervisors not
10 performing supervisory duties. I've been quoted a number of
11 times as saying that supervisors have a habit of signing and
12 sending. They put their signature on something, on a
13 document, on an incident report, and send it forward. They
14 don't make -- on occasion, they do now. But, routinely,
15 supervisors do not make findings, recommendations,
16 suggestions, rejection, because of whatever's in the report;
17 send it back, redo this; this needs to be referred off to IAD;
18 it needs to be referred to CID. They simply send it on
19 through. So supervisors are derelict, by and large, in their
20 duty with supervisors.

21 Another example would be when a supervisor comes around
22 and signs off on well-being checks that are kept in a log,
23 well-being checks that are kept on the wall, a suicide log, at
24 the bottom of the form, or in the log, the supervisor is
25 supposed to put his or her name and any comments. They put

1 his or her name, they never put any comments. If there are
2 suicide watch entries missing, they just sign at the bottom.
3 There's no suggestion; no question about, why did you miss
4 these? There may be some logical reason for it, the officer
5 was called off on some emergency. But there's virtually never
6 any supervisory documentation to reflect that they have come
7 to a decision or made some finding when looking at something.

8 Q. Do they have a written policy for direct supervision?

9 A. No.

10 Q. Do they have a written policy for classification?

11 A. Yes.

12 Q. And what is classification?

13 A. Classification is looking at the history of someone who
14 comes into the jail system to determine how you to best handle
15 them, where they should be housed. So you look at the instant
16 criminal charge. You look at the criminal history. You look
17 at previous institutional history, if you have access to that.
18 You look at medical or mental health issues that may be
19 available. Medical screening gets done as somebody comes in.
20 So there's all sorts of information that gets collected when
21 somebody comes into the jail system, and classification can
22 make a decision as to where this person should be housed.

23 Q. So have they implemented the classification policy?

24 A. Yes. But, unfortunately, there are portions of it that
25 have been overridden by the fact that they don't have a way to

1 control gang affiliation housing, so they still -- they still
2 house inmates according to gang affiliation.

3 Q. So do they have a form to assess these different factors?

4 A. Yes, sir.

5 Q. And do they fill out the form?

6 A. Yes, sir.

7 Q. And then when they make the housing assignment, are they
8 using that form in a meaningful way to make the housing
9 assignments?

10 A. They are to a certain extent. But it gets overridden as
11 I indicated by charge, for gang-affiliation information, as an
12 override, instead of by behavior. That's because it's not
13 direct supervision.

14 Q. So what's the consequence of overriding the
15 classification system with those types of decisions?

16 A. Well, I think it is seen as the lesser of two evils.
17 Mixing those people without proper supervision would leave
18 them more susceptible to injury and assault. And so, I think
19 that's the reason that classification is basically violating
20 its own policy in order to try and keep a lid on things.

21 Q. Does it work?

22 A. It's a partial fix. It's not a solution.

23 Q. So does it give any power to the gangs?

24 A. Yes. It plays into their hands in one sense that we're
25 special.

1 Q. Do you consider that to be an appropriate security
2 solution for their supervision and gang issues?

3 A. It's not an appropriate solution, but under the current
4 circumstances, I can't even recommend something that would
5 solve the problem for them unless they had enough officers to
6 staff each housing unit and run it as a direct-supervision
7 housing unit.

8 Q. So is the solution to have enough officers?

9 A. They have to have more officers, that's critical.

10 Q. And then, do they also have to adopt direct supervision?

11 A. Yes.

12 Q. Otherwise, will they ever get a handle on their gang
13 problem?

14 A. No.

15 Q. Do you think the defendants have enough trained staff to
16 provide a reasonable level of safety and security in the jail?

17 A. They have dedicated training staff.

18 Q. Not training staff. Do they have enough trained staff --

19 A. Trained staff, excuse me.

20 Q. -- to provide a reasonable level of safety and security
21 in the jail?

22 A. Well, on paper, they have trained staff to deal with many
23 of the issues, but they don't have proper supervision to see
24 that it's adequately implemented.

25 Q. Do they have enough staff to cover all the posts in the

1 housing units?

2 A. No.

3 Q. Do they have enough staff to conduct safety and welfare
4 checks in the housing units?

5 A. No.

6 Q. Do they have enough staff to conduct safety and welfare
7 checks?

8 A. No.

9 Q. Do they have enough staff to do suicide watch in the
10 housing units?

11 A. No.

12 Q. Is the level of staffing sufficient to meet the minimum
13 requirements for operating a jail safely?

14 A. No.

15 Q. Does the lack of detention officers create an
16 unreasonable risk of violence?

17 A. Both to inmates and staff.

18 Q. Does the lack of officers limit their ability to deliver
19 medical or mental health services?

20 A. Yes.

21 Q. How does security staff play into providing medical or
22 mental health services?

23 A. When nurses make med pass, they have to have an officer
24 with them. Oftentimes there's nobody available and they're
25 not able to do it. In the medical area itself, it has some

1 housing at each end.

2 The housing at one end, none of the cells can be used
3 because they've all been destroyed. None of the locking
4 mechanisms work, and all of the doors are sealed shut with a
5 hasp and a padlock. So the inmates that are kept there when
6 they come back from the hospital or somewhere else, they're
7 just kept out in the dayroom area. They're not able to put
8 them in cells.

9 On the other end, there use to be two suicide watch
10 cells, which were closed down years ago. That area should not
11 be used for anything until some staffing factor is built in
12 because there's nobody assigned to work there, but on occasion
13 inmates are housed there temporarily.

14 Q. And are the inmates housed there inmates with special
15 needs or at higher risk?

16 A. Generally speaking, they are people that require some
17 kind of special observation or analysis and are brought to
18 medical for that reason.

19 Q. If we could introduce Plaintiff's Exhibit 15. Do you
20 recognize Plaintiff's Exhibit 15?

21 A. Yes, sir. This is the study that I referred to that was
22 done by Rod Miller prior to the monitoring process beginning.
23 It's dated 2014.

24 Q. If we could bring up Plaintiff's Exhibit 16.

25 A. I apologize, sir. What?

1 Q. We're bringing up Plaintiff's Exhibit 16. Do you
2 recognize Plaintiff's Exhibit 16?

3 A. Okay. This is what I worked on with the County on the
4 staffing analysis.

5 Q. Is this the original staffing analysis?

6 A. I think the original one was done in 2017. This was a
7 follow-on.

8 Q. Is this the one you worked on with Warden Rushing?

9 A. I worked on the one in 2017 with her. I think I worked
10 on this one with Major Fielder.

11 Q. So how many staff were recommended when you were working
12 with Major Fielder?

13 A. I have to go back and refresh my memory on that. I
14 don't -- they changed in between. They were not significantly
15 different except for whether Alpha was going to be kept open
16 or not and 12-hour versus eight-hour. So the numbers were not
17 radically different, but the latest one is based on eight
18 hours and keeping Alpha 3 and 4 open and Jackson closed except
19 for the ground floor.

20 Q. Did the defendants ever meet the staffing requirement of
21 the 2020 staffing study with Major Fielder?

22 A. No.

23 Q. And at the time how many facilities were they operating?

24 A. I think by 2020 is when -- when the Jackson center was
25 closed.

1 Q. Would it refresh your memory to review the report from
2 2016?

3 A. I'd have to look through the whole thing. I can't
4 remember the exact dates on opening and closing of things.

5 Q. Why don't you take a quick look at that exhibit.

6 MR. CHENG: And if we could scroll through it for him.

7 THE COURT: You want to give him a hard copy?

8 THE WITNESS: Thank you.

9 BY MR. CHENG:

10 Q. If you don't mind, have you had a chance to refresh your
11 recollection?

12 A. Yes, sir.

13 Q. I'll take it back. Thank you. So what was the
14 recommendation for staffing in the 2020 study?

15 A. That one called for 423 positions. That's when the
16 Jackson Detention Center was still open.

17 Q. And how many staff did they actually have at the time?

18 A. At that time I can't tell you exactly, but it fluctuated
19 between 205 and 256.

20 Q. And did they ever budget 400 plus positions at the --

21 A. No. The most that's ever been budgeted was 281.

22 Q. If we could introduce Plaintiff's Exhibit 18.

23 THE COURT: You said 18?

24 MR. CHENG: 18, yes, Your Honor.

25 BY MR. CHENG:

1 Q. Do you recognize Plaintiff's Exhibit --

2 THE COURT: Was that -- I heard you say 15 and 16. Did
3 you show him 18?

4 MR. CHENG: No, we haven't shown him 18. We're showing
5 him now.

6 THE COURT: Oh, you're showing him.

7 BY MR. CHENG:

8 Q. Do you recognize Plaintiff's Exhibit 18?

9 A. Yes, sir. This is a report that comes from sheriff's
10 office HR on a monthly basis. It shows the number of people
11 assigned to the various areas, and it shows that there are
12 currently -- this was as of the end of December 2021 -- 199
13 people working in detention.

14 MR. CHENG: At this time, Your Honor, I would like to
15 move in Plaintiff's Exhibits 15, 16, and 18.

16 THE COURT: Any objection?

17 MR. MORISANI: No objection.

18 THE COURT: Okay. 15, 16, and 18 will be received into
19 evidence.

20 (Plaintiff's Exhibits 15, 16, and 18 entered.)

21 BY MR. CHENG:

22 Q. If we could introduce Plaintiff's Exhibit 49. Do you
23 recognize Plaintiff's Exhibit 49?

24 A. Yes, sir. This is the latest revised staffing analysis
25 that I developed in conjunction with Major Bryan.

1 Q. And how many staff are recommended in your most recent
2 staffing analysis?

3 A. I can't see it here, but my recollection is that there
4 were 329 required if Alpha Pod was left completely closed and
5 351 if Alpha 3 and 4 were kept open.

6 Q. And we've talked earlier about how -- have they actually
7 closed Alpha Pod?

8 A. All of Alpha Pod is functioning right now except for the
9 trash dumpster cells throughout that housing pod that have
10 been welded shut over time.

11 MR. CHENG: I move for the admission of Plaintiff's
12 Exhibit 49, Your Honor.

13 MR. MORISANI: No objection.

14 THE COURT: P-49 will be received into evidence.

15 (Plaintiff's Exhibit 49 entered.)

16 BY MR. CHENG:

17 Q. In terms of the average daily population of the jail, do
18 you know what the average daily population of the jail is?

19 A. It's approximately 600 for both facilities.

20 Q. And about how many detainees are booked into the jail on
21 a daily basis?

22 A. They book an average of ten people a day. Last year they
23 booked somewhere in the neighborhood of 3700 plus inmates.

24 Q. Do you know what the average length of stay is for an
25 inmate in the jail?

1 A. When I computed it last, which is probably two years back
2 or more, it was 53 days.

3 Q. Do you know how many of the -- or what percentage of the
4 inmates in the jail are pretrial detainees versus convicted
5 prisoners?

6 A. I can't give you an accurate number, but most of them are
7 pretrial. There are very few sentenced to local time.

8 Q. So when you say "pretrial detainees," that's somebody who
9 has not yet been convicted of a crime?

10 A. That's correct.

11 Q. You've mentioned much earlier something about a quality
12 assurance review or quality assurance report. How many
13 quality assurance reports have been conducted?

14 A. Have I conducted?

15 Q. No. How many have been completed?

16 A. Oh. Either four or five have been done by the new
17 quality assurance coordinator.

18 Q. Are quality assurance reports required by the consent
19 decree?

20 A. Yes.

21 Q. And what benefit is it to have a quality assurance
22 report?

23 A. It really helps to have somebody who's inside on a daily
24 basis, not coming in just once every four months to inspect,
25 and who can be there at all hours on all days of the week,

1 because things can be very different on a weekend or a holiday
2 weekend than they would be Monday through Friday on the day
3 shift.

4 Q. Do the quality assurance reports help the jail managers
5 run the facility?

6 A. They're a great management tool, because they consolidate
7 in about a dozen pages all the primary concerns that the
8 settlement agreement calls for. It doesn't go through every
9 single thing, but it covers things from staffing to well-being
10 checks to changes in policy to anything across the board.
11 It's an excellent tool for management.

12 Q. If we could introduce Plaintiff's Exhibit 42. Do you
13 recognize Plaintiff's Exhibit 42?

14 A. Yes, sir. It's the quality assurance summary for the
15 month of November 2021.

16 Q. Have you heard the defendants say in the past that
17 they're hiring or holding a number of training classes to hire
18 new cadets?

19 A. Yes. That's something that we hear in each site visit.

20 Q. If they hire cadets but they can't retain them, will they
21 be able to meet the staffing requirements of the staffing
22 studies?

23 A. That's part of the problem. There's a high turnover of
24 new personnel who do not get through the academy because they
25 fail to maintain their attendance or opt for other

1 opportunities.

2 Q. Do you see the --

3 MR. CHENG: If we could keep the exhibit up.

4 BY MR. CHENG:

5 Q. Do you see the second paragraph about Major Bryan?

6 A. Yes, sir.

7 Q. It talks about how she's implementing changes and she has
8 a firm grasp on the scope of work required, but it talks about
9 her being impeded from utilizing her skills.

10 Do you agree that that was happening with Captain -- with
11 Major Bryan?

12 A. Yes. She initiated a number of innovative methods of
13 trying to retain personnel, to attract personnel, to make
14 their job more satisfying and reasonable. As an example, she
15 asked for direct deposit of their paychecks instead of having
16 to wait for a paper paycheck. Most jurisdictions, you can
17 have your month- -- your biweekly pay put directly into your
18 account. She asked to have pay made biweekly instead of once
19 a month, because the officers were being paid only once a
20 month. She made a number of recommendations like that that
21 would be beneficial for staff and would be well received by
22 them.

23 Q. And were they implemented?

24 A. I have not seen that they are. There have been
25 discussions about the requirement to change the County's

1 payroll system and so forth, but to the best of my knowledge,
2 it has not been actually implemented yet.

3 Q. What difference does it make to staff if they get paid
4 electronically?

5 A. Well, if you're working the midnight shift and you got
6 off at 7:00 in the morning and the paychecks are not issued
7 until 9:00 that day, then you have to stick around for two
8 more hours to pick up your paycheck to take it home with you
9 or wait and come back and get it some other time. It's just a
10 minor convenience that all of us take for granted in most
11 jurisdictions that it's going to happen automatically. If I
12 want to have direct deposit, I can do it. That's kind of the
13 standard that is used whether it has to do with getting your
14 income tax refund back or whatever.

15 Q. What difference does it make to an officer whether they
16 get paid twice a month or once a month?

17 A. Well, I lived with both. When I started work, we were
18 paid once a month. It was a real chore by the time you got to
19 the end of the 30 days to make sure you had enough money left
20 in the bank to cover everything, and when you got paid on a
21 biweekly pay plan, it just made life a lot easier. That's
22 personal experience, so...

23 Q. Do these types of small things have any effect on morale
24 or retention of staff?

25 A. They are absolutely critical. Detention staff spend more

1 time on the job than they do in any other single activity of
2 their life. If life is miserable because of the working
3 conditions, then life is pretty miserable. If you can make
4 the job safer, saner, more gratifying, then you stand a better
5 chance of recruiting and retaining quality people. That's
6 important. And having continuity; that is, consistency of the
7 same staff, is incredibly important, because every time you
8 have a changeover, you have to start from scratch, training,
9 going through the whole process, and getting them oriented.

10 Q. Do they have a pool of experienced officers to train new
11 officers?

12 A. I'm going to say no, but they have a few people that the
13 lieutenant who's handling, like, the FTO program is utilizing,
14 and that's a positive thing to do, to limit it to a few
15 well-qualified people as opposed to spreading it around
16 amongst --

17 Q. And has that been implemented yet?

18 A. That has started, yes.

19 Q. It has been completed?

20 A. Well, it's just started, so it's only been a month or two
21 that that's been in place.

22 Q. So was it started after the show cause order was issued?

23 A. Yes.

24 Q. If we could stick to that exhibit and go to page 4 of
25 Exhibit 42, do you see the third paragraph?

1 A. Yes, sir.

2 Q. Do you agree with this statement that they need to
3 continue to developing for this plan for recruitment career
4 ladders in detention?

5 A. Yes, they definitely need a career ladder. The way
6 things work right now, if somebody comes on and makes \$31,000
7 a year without a career ladder, in five years they're still
8 going to be making \$31,000 a year. There's no incentive to
9 stay on board. I mean, there needs to be some merit-based or
10 step increase plan in place that gives you some return, if you
11 will, for loyalty and effort, and that's important. It
12 doesn't have to continue forever, but it needs to get off
13 ground zero and move up to a higher point to give people an
14 incentive.

15 Q. Do they have sergeants as an officer level inside the
16 jail?

17 A. Sergeants?

18 Q. Yes.

19 A. Yes, sir.

20 Q. And sort of what level of supervision are sergeants?

21 A. Like, a sergeant would be responsible for the booking
22 area. A sergeant would be responsible for maybe a pod at the
23 Raymond Detention Center. On occasion there's only one
24 sergeant to take care of two pods, but that's not the way it's
25 designed. There would be a sergeant on duty at all times at

1 the work center as, like, a shift commander.

2 Q. So do having enough experienced sergeants affect the
3 ability to supervise the line staff?

4 A. Certainly.

5 Q. And if you don't have enough sergeants who are
6 experienced, does that have any impact on the safety of the
7 inmates or the jail?

8 A. Yes.

9 Q. And in what way does it affect safety and security?

10 A. Well, what I have observed is that because of the
11 shortage of staff, sergeants are pulled from their supervisory
12 duties to doing officers' duties, helping doing well-being
13 checks. They shouldn't have to do that. They should be
14 making sure the that officers are doing it instead of
15 physically doing it themselves. Sergeants should not be
16 responsible for going along on med pass. That should be an
17 officer's duty. Sergeants shouldn't have to transport inmates
18 up and down the hallways to go between one area or another.
19 That should be an officer's duty. It pulls supervisors away
20 from their supervisory responsibility, which I guess is an
21 explanation partially for why some of what we see is the sign
22 and send mentality.

23 Q. So when supervisors are pulled from supervisor duties,
24 what happens to the quality of incident reports or
25 use-of-force reports?

1 A. Well, supervisor should ensure quality, and unless they
2 are not satisfied with things, if they just automatically
3 accept whatever comes through, it's not going to get any
4 better.

5 Q. If we could pull up Plaintiff's Exhibit 42 again, page 4,
6 to the section that talks about detention services remains a
7 need of detention officers?

8 A. Yes, sir.

9 Q. So do you agree that just having a cadet class was not
10 enough, they still need more to meet the requirements of the
11 new staffing analysis?

12 A. Getting five more officers is good news, but it's just a
13 drop in the bucket compared to what they need.

14 MR. CHENG: At this time I would move to admit
15 Plaintiff's Exhibit 42, Your Honor.

16 MR. MORISANI: No objection.

17 MR. CHENG: If we could introduce --

18 THE COURT: P-42 is received into evidence.

19 (Plaintiff's Exhibit 42 entered.)

20 MR. CHENG: At this time I'd like to introduce
21 Plaintiff's Exhibit 86.

22 BY MR. CHENG:

23 Q. Do you recognize Plaintiff's Exhibit 86?

24 A. Yes, sir. It's the December quality assurance summary
25 prepared by the quality assurance coordinator.

1 Q. If we could go first to page 3. Do you see the
2 discussion in the first through sixth paragraph about
3 staffing?

4 A. Yes, sir.

5 Q. And do you agree that these types of data about staffing
6 are accurate?

7 A. Well, what she has basically done is take the staffing
8 analysis that we prepared and plug those figures into her
9 monthly report. That's where they came from.

10 Q. So do you agree that this is accurate?

11 A. Yes, sir.

12 Q. I'm sorry. Was that a --

13 A. Yes, sir.

14 MR. CHENG: At this time I'd move to admit Plaintiff's
15 Exhibit 42.

16 THE COURT: You mean 86?

17 MR. CHENG: I'm sorry. Plaintiff's Exhibit 86, Your
18 Honor.

19 THE COURT: Any objection?

20 MR. MORISANI: No objection, Your Honor.

21 THE COURT: P-86 is received in evidence.

22 (Plaintiff's Exhibit 86 entered.)

23 BY MR. CHENG:

24 Q. Does the level of staffing affect your ability to provide
25 visitation or attorney visitation?

1 A. Certainly.

2 Q. And how does it affect the visitation?

3 A. For family and friends, visitation is done by video, so
4 an inmate has to schedule that along with the person on the
5 outside to be able to hold a visit, and then they have to pay
6 for it. An officer should be there to help coordinate that.
7 In a direct-supervision setting, that's the norm. It's much
8 more difficult for an inmate who has no -- no officer to fall
9 back on to assist with the process. And then an officer
10 should be in the housing unit to make sure that the inmate is
11 able to actually conduct his visit.

12 For attorneys, the lack of staff is even more problematic
13 in that the way the jail was originally set up attorneys would
14 go back to the pods and have attorney-client visits there so
15 the inmates did not have to be moved around the jail. That's
16 the concept of direct supervision is you take all of the
17 services to the inmates. You don't move inmates around.

18 That practice stopped a long time ago when direct
19 supervision ended. And in order to have an attorney-client
20 visit at the present time, an officer has to leave his or her
21 post, take an inmate up to the front of the Raymond Detention
22 Center, and get them together with an attorney who comes in to
23 meet with them. So it's an extra drain on staffing to have to
24 deal with attorney-client visits right now. That problem did
25 not exist for the first 15 years or so of operation, but

1 it's --

2 Q. And when there's shortages of staff to provide for
3 visitation, does that affect the ability of the attorneys to
4 meet with their clients in a timely way?

5 A. Yes. Attorneys have to wait inordinate amounts of time
6 or officers have to be pulled from critical posts to move
7 somebody to another area of the jail and leave their area
8 unattended.

9 Q. Are you familiar with the consent decree's provisions
10 about unlawful detention?

11 A. Yes.

12 Q. Can you summarize what those provisions require?

13 A. Well, when an inmate is held in a jail, if he's allowed
14 to be released by the courts, then he should be released that
15 day. If his sentence is up, he should be released at the end
16 of his sentence. If he's able to post bond, he should be
17 released then. If he's transferred from another facility to
18 Hinds County, then he should be released when local matters
19 are resolved. If he's sent to another jurisdiction with a
20 hold to come back to Hinds County, then all of those things
21 need to be taken into account and recorded properly and the
22 inmate released at the appropriate time. If it's not -- if it
23 doesn't happen, then some corrective action should be taken.

24 But in Hinds County, they don't document that kind of
25 thing. There are no incident reports written. Action may be

1 taken. The inmate may be released, but we find out about it
2 by reviewing inmate records. The monitor handles that portion
3 of the process in more detail than I do, and she's able to
4 determine a number of people who should have been released a
5 day before or sometime later, and bad releases happen all too
6 frequently.

7 There's no documentation to reflect that to correct the
8 problem, and that's one of the things that we have looked at
9 from the very beginning when we questioned the sergeants about
10 that who handles that sort of thing and said well, where's the
11 incident report? We don't write anything down about that.

12 Well, you have to, and that's something that needs to be put
13 in place. It's specified now, but it still hasn't happened.

14 Q. So if they do have incidents, do they actually have
15 incident reports and use-of-force report policies?

16 A. Yes.

17 Q. Are they implementing them?

18 A. They have had training on it, and some incident reports
19 are better than they have been in the past. I have been in
20 literally hundreds of jails all over the country and around
21 the world. I have never read worse incident reports than what
22 I routinely read in Hinds County. Initially they were inept,
23 unintelligible, incomplete, and we have spent a great deal of
24 time working with IT to try and standardize the process to try
25 and force certain things to be documented and with staff for

1 training to improve on that.

2 I can tell you that some of the reports that I read now
3 at the work center are better than anything that I have seen
4 in the past. They actually reflect what happened. You can --
5 without being there you can figure out what went on.

6 Routinely that was not the case in the past. The form
7 would not say even which jail it occurs in, what housing unit,
8 what was going on or anything. You have to figure it out by,
9 oh, I see a certain housing unit; well, then that has to be at
10 this jail. You know? And so some things are better. I've
11 got to give them credit there that they're working on it, but
12 it's a piecemeal process, and it's starting slowly at the work
13 center. It needs to carry over that way at the Raymond
14 Detention Center, and that has not yet happened.

15 Q. What's the difference between why the work center is able
16 to get its incident reporting process in order and the Raymond
17 Detention Center doesn't have that?

18 A. I've always been a strong believer that one person can
19 make a difference. The facility commander there took his job
20 seriously. He's now the assistant jail administrator.

21 Q. Who is that?

22 A. Captain Simon now, acting jail administrator Simon is my
23 understanding, and he made a difference there. They had
24 direct supervision. He was able to understand it and
25 implement it. He accepted recommendations and seemed to

1 appreciate them and carried them forth on his own. And so
2 when we would make notations or explanations that would go
3 around, he took it upon himself to try and push those things.
4 That has made a difference.

5 Part of it is that the Raymond -- excuse me, the
6 Jackson -- I apologize. The work center was direct
7 supervision in name only. They had two officers inside each
8 housing unit, but when you have two people in charge, one plus
9 one is not two. One plus one turns out to be about .75
10 because nobody's in charge, and they always point a finger at
11 somebody else. I wasn't doing that. That was his job.
12 Pardon me.

13 We made a recommendation on putting in a camera and an
14 alarm on each fire exit door in each of the four housing
15 units, which allowed them to save one officer assigned to each
16 of those four housing units. That's 20.4 positions, and we
17 got a better product as a result of doing that, because now
18 there's only one officer inside each housing unit, and that
19 officer is responsible for everything. So if there's anything
20 wrong in there, you go to that officer. Why is this? If the
21 report doesn't make any sense, you can go back to that officer
22 and say, Why didn't you write something that made sense? And
23 that was the beginning of moving in the right direction at the
24 work center.

25 Q. Has the lack of staffing and supervision led to actual

1 harm to any detainees?

2 A. Yes. There have been a number of inmates who have been
3 very seriously assaulted. We've had a number -- there have
4 been a number of deaths that occurred because there was no
5 supervision, and the death wasn't even found until hours
6 later.

7 Q. Can we bring up Plaintiff's Exhibit 88? What is a
8 monthly incident narrative?

9 A. Monthly incident narrative is like a spreadsheet that
10 lists all of the incident reports, where they occur, the
11 number, the date, the officer involved, and then -- and acts
12 like a verbatim statement from the incident report itself that
13 appears on this one spreadsheet. So instead of going through
14 hundreds of individual incident reports and documents, on one
15 spreadsheet you can basically track everything that occurred
16 in a month's time.

17 Q. And there's another version of the monthly incident that
18 has the narratives; is that right?

19 A. That's what I was explaining. That's the narrative
20 spreadsheet. The incident report itself stands alone. It's
21 an 8-1/2-by-11 document that we read, and then that
22 information gets transcribed into a spreadsheet that is then
23 made available to us. So on one long document we can review
24 all of the incidents over a period of one month.

25 MR. CHENG: I believe this document is actually sealed,

1 Your Honor, so let me -- let me make sure we get that cleared
2 before we proceed with it. But let me at least ask a few
3 questions about it.

4 BY MR. CHENG:

5 Q. You mentioned earlier that there are a number of assaults
6 that occur at the jail?

7 A. Yes, sir.

8 Q. Did you draw that information from incident reports, or
9 how did you get that information?

10 A. The monitor puts together a really excellent spreadsheet
11 on assaults based on her analysis of each incident report.
12 This is a time-consuming process. It's not based on what the
13 report is titled as because officers use the wrong titles for
14 things all the time, and if that's what you went by, the
15 numbers that you would get are not reflective of reality. So
16 she reads through, determines what it actually is, and lists
17 them all together, and that covers a period of four months,
18 and then she does it again.

19 Q. So those reports --

20 THE COURT: Hold on.

21 Is there an objection?

22 MR. MORISANI: Well, Your Honor, we would object to him
23 testifying about a document that I don't think we've ever
24 seen. It sounds like it's a document -- I'm piecing it
25 together, but it sounds like it's a document that's created by

1 the monitor. I don't know that we've ever seen that.

2 THE COURT: What document number is that? Is that one
3 of the exhibits?

4 MR. CHENG: 88 and 89.

5 MR. MORISANI: 88 and 89 are the monitor's summary that
6 he's discussing.

7 MR. CHENG: Well --

8 THE COURT: P-88 and P-89, have those been shared with
9 the parties?

10 MR. MORISANI: I've seen P-88 and P-89, yes, sir, but
11 I'm hearing -- what I think I'm hearing is, the monitor is
12 taking that information and creating a spreadsheet that he's
13 been testifying about. And that's a document, Your Honor,
14 that we've never seen before. It that's -- if my hearing is
15 correct.

16 MR. CHENG: I think we may have a little confusion
17 here. We'll have to resolve it at a different point, but let
18 me address it first.

19 BY MR. CHENG:

20 Q. Do the defendants themselves provide a spreadsheet of
21 monthly incidents?

22 A. I'm sorry. Could you please repeat that?

23 Q. Do the defendants maintain a shared drive that provides a
24 summary of an incident reports? Do they provide a summary of
25 incident reports?

1 A. They provide an incident report summary that has the
2 narrative from each incident report, yes.

3 Q. And what is that document called?

4 A. The incident report narrative, that's what we talked
5 about initially.

6 Q. But you also mentioned Ms. Simpson does something with a
7 spreadsheet. Is there a different spreadsheet that
8 Ms. Simpson does?

9 A. Working document that takes all of that information and
10 tries to compile them accurately. Because if you go by the
11 titles of the incident reports themselves, you would get a
12 totally inaccurate summation of what's there. Things are
13 listed as something completely different from an assault, for
14 instance, and that's what she compiles.

15 MR. CHENG: If I may?

16 THE COURT: Show it to the other side first and make
17 sure that they have it.

18 BY MR. CHENG:

19 Q. Do you recognize Plaintiff's Exhibit 88?

20 A. It appears to be an incident report summary without the
21 actual narratives listed, unless they were all redacted from
22 this. I can't tell.

23 Q. And then could you look at Plaintiff's Exhibit 89?

24 A. This appears to be the listing of incident reports
25 without the detailed information without the narratives. The

1 first one 88 that I looked at, the way the categories were
2 spread out, it looks like maybe there was a narrative in there
3 and it doesn't show on this because it's been redacted out,
4 but I can't tell. I don't know what the difference would be
5 between the two.

6 Q. Do you review a monthly incident narrative?

7 A. Yes.

8 Q. Is it a spreadsheet or is it some other type of document?

9 A. It's a spreadsheet that is so wide that I can't print it
10 out at home because my computer system won't handle it. So I
11 have to sit there on the computer and scan back and forth on
12 each one to read each thing down.

13 Q. Do you also check any of the incident reports that are
14 referenced in the incident report narrative?

15 A. Excuse me. We do not get each a copy of every single
16 incident report individually, but we get a lot of them that
17 are submitted on rapid notifications, or immediate
18 notifications. And when those come through, we see both the
19 synopsis that's prepared possibly by a supervisor, and the
20 actual incident reports behind it. And so I get a broad range
21 of them, but not all of them.

22 Q. Have you also reviewed any records involving any deaths
23 at the jail?

24 A. Yes.

25 Q. And did you see a monitor's interim report, No. 96 -- I'm

1 sorry, plaintiff's exhibit? Have you ever read the monitor's
2 interim report?

3 A. Have I ever read the monitor's --

4 Q. Interim report.

5 A. -- interim report? Yes, sir.

6 Q. And did you agree with the findings and recommendations
7 in the interim report?

8 A. Yes.

9 Q. So let's talk about some of those deaths. You mentioned
10 earlier there had been some deaths. Do you recall an incident
11 from April 18, 2021, that was a suicide?

12 A. I think you're referring to a suicide that occurred in
13 Charlie 4. I don't remember the dates on things specifically.
14 If it was not that, it was one that occurred in booking.

15 Q. Well, let me see. Let's say, do you recall the death of
16 an individual whose initials are J.M.?

17 A. That was in booking, yes.

18 Q. And what were your concerns and findings regarding the
19 death of J.M.?

20 A. First of all, that he was housed in booking. He
21 shouldn't have been. The officer who was working in booking
22 that day found him hanging from a light fixture. The officer
23 did not have a set of keys to get into the holding cell, and
24 yet he was working in booking. So he had to go to the booking
25 office to get a set of keys. They did not have a 911 knife.

1 A 911 knife is a specially made hooked knife that's designed
2 to cut somebody down in the event of something like that. It
3 can't be easily used as a weapon as an inmate but it's the
4 kind of thing that's supposed to be kept in each general area
5 or control room for immediate use.

6 Q. How about there was another death of an individual who
7 died of COVID in the past year; do you recall that?

8 A. Yes. I think that person died in the hospital actually.

9 Q. Was that person's initials L.B.?

10 A. I'm sorry. But I can't remember the initials.

11 Q. Would it refresh your recollection if we showed you the
12 interim monitoring report?

13 A. Okay.

14 Q. Do you recognize Plaintiff's Exhibit 40?

15 A. Yes, sir.

16 Q. And have you refreshed your memory after looking at
17 Plaintiff's Exhibit 40?

18 A. Yes.

19 Q. So let's talk about that individual, L.B., with the COVID
20 situation. Did you have any concerns about how that death was
21 reviewed?

22 A. Well, there was no after-action report. Every time
23 there's an inmate death, there should be an after-action
24 report which reviews policy, procedure, every aspect of what
25 was done and what was not done, and what could be done to

1 prevent that kind of problem from happening again. And
2 after-action reports are not routinely done in detention.
3 There were one or two that were done when Major Fielder held
4 the position, nothing since then until I think the last death
5 that occurred in, I believe, it was Alpha 4. And in that
6 case, Major Bryan did a very comprehensive after-action
7 report, but that's the only one that I've seen.

8 Q. When you say, "detention," do you mean in detention
9 services division, or what is detention?

10 A. When I say refer to "detention," I'm talking detention
11 services, or the division, the jail system.

12 Q. If somebody dies of a natural cause, say COVID, what
13 difference does it make to security officers and
14 administrators to do an after-action report?

15 A. Well, one needs to see if proper procedure was followed.
16 It's not just a medical issue. Its did we get him to the
17 hospital on time? Were things handled properly? Were
18 concerns brought to the attention of staff and they never
19 passed them along to supervisors? Was there a breakdown in
20 the system somewhere, or was everything perfect, you know?
21 That's the kind of analysis that needs to be done to determine
22 whether things are working the way they should or whether
23 corrective action needs to be taken.

24 Q. Was there also a suicide in July of 2021 in C-Pod?

25 A. Yes, sir. In Charlie 4, an inmate hanged himself.

1 Q. Did you raise any concerns about that death?

2 A. Absolutely. A sergeant and an officer were conducting
3 rounds together. They found the inmate hanging in his cell.
4 Instead of going in and taking some action to cut him down, or
5 do anything, they left him hanging there and went back to the
6 control room in Charlie where the sergeant called up a shift
7 commander in booking to let him know what was going on.

8 Ultimately, they went back to the same cell in Charlie
9 and cut him down. Now, he may have been dead all along, I
10 don't know. But the first action should have been to take him
11 down, and that was with a supervisor right there. There was
12 nothing ever written up about that in the IAD investigation,
13 and I questioned that. It didn't seem to me that the
14 supervisor was being held accountable for his lack of action.

15 Q. And was that a sergeant?

16 A. Yes, sir.

17 Q. Is this the same C-Pod where sometimes there's only one
18 officer covering both the main housing unit and the isolation
19 unit?

20 A. That's the confinement unit that I spoke of earlier where
21 inmates are relegated to their individual cells for about
22 23 hours a day, and then come out just for an hour for a
23 shower, that sort of thing. It's a lockdown unit.

24 Q. And in March of '21, did an inmate come into the jail, a
25 new arrestee who fell?

1 A. Yes. The Jackson Police Department brought an inmate in
2 who was originally thought to be under his own power, but
3 subsequent review revealed that he was not, and he probably --

4 Q. Sorry. What subsequent review?

5 A. There was no subsequent review initially until we
6 indicated that an investigation needed to be completed,
7 whether he had been booked into the facility or not. The jail
8 and the sheriff's office took the position that since he had
9 not been physically booked, even though he was held in a
10 holding cell, he was not their inmate. And that was contrary
11 to what the settlement agreement calls for, and we asked to
12 have an investigation conducted. That revealed a broad range
13 of problems, including the lack of emergency equipment in the
14 booking area, no AED available, medical was running back and
15 forth between medical and up front into booking. And
16 ultimately, the individual passed away, probably of a -- I
17 don't have the medical aspect. But it was assumed to be a
18 drug overdose, and that's when the investigation was finally
19 completed.

20 Q. And if you had not pressed for an investigation, would an
21 investigation have been completed at all?

22 A. No.

23 MR. MORISANI: Your Honor, we object, calls for
24 speculation.

25 THE COURT: Sustained. Calls for speculation unless he

1 can base that answer on something that the defendants have
2 told him.

3 BY MR. CHENG:

4 Q. Let me ask you then, did you ask for the investigation
5 documents after you learned of the death?

6 A. Yes. And we were told that he was not an inmate;
7 therefore, there was no need for an investigation. We pointed
8 out that there was.

9 Q. After they mentioned an investigation, you mentioned
10 something about the AED. What is an AED?

11 A. An automatic electronic defibrillator. And it's the kind
12 of thing that's kept there to kind of shock somebody back to
13 life if they're not breathing well or passing out. And that
14 equipment was not available in booking where it should have
15 been.

16 Q. Were there any problems with the electrical outlets in
17 that booking area?

18 A. Yes. There are always problems with electrical and
19 lighting areas not functioning properly.

20 Q. Did that have an effect as well on how they responded in
21 that case?

22 A. Well, when they tried to hook things up, things did not
23 work, and so they had to move and try again. That was the
24 whole situation.

25 Q. Was there also a death in August --

1 THE COURT: Hold on for a second, Mr. Cheng. Since
2 we're moving to -- this is a great breaking point. You're
3 moving to another death after this one where the guy was in
4 booking. We're going to take our afternoon break at this
5 time, give my court reporter an opportunity to get a break.
6 It's going to be about 20 minutes, and then we'll just pick
7 back up from there. So we'll be in recess for 20 minutes.

8 MR. CHENG: Thank you, Your Honor.

9 (A brief recess was taken.)

10 THE COURT: We've attempted to adjust the air. You
11 may -- is there anything we need to take up?

12 Okay. You may continue. And this is going to be the
13 game plan. Probably when Mr. Cheng gets through, whenever
14 that is, we're done for the day. So, you know, even if it's
15 in the next 10 or 15 minutes, unless it's going to take
16 Mr. Morisani, you know, less than 30 minutes to cross-examine,
17 and I don't think so.

18 MR. MORISANI: That's correct, Your Honor.

19 THE COURT: All right. You may proceed.

20 MR. CHENG: Thank you, Your Honor.

21 BY MR. CHENG:

22 Q. Mr. Parrish, in April of 2021, was there a suicide in
23 booking?

24 A. Yes, sir. We had an inmate who hanged himself in a
25 holding cell.

1 Q. Was there an officer on the post at the time?

2 A. There was an officer, but he had not done any well-being
3 checks on that inmate.

4 Q. And were there any issues with the 911 tool or the AED?

5 A. Yes. They did not have a 911 tool there right away. I
6 can't remember with regard to the AED on that one. Excuse me,
7 I may be getting my cases mixed up.

8 Q. Again, would it refresh your memory if you saw the
9 monitor's report at that time?

10 A. Yes, sir. Yes, sir, I'm familiar with this.

11 Q. Earlier you talked about the use of booking, or the
12 inappropriate use of booking. Does this death indicate or
13 reflect that inappropriate use of booking?

14 A. Yes. This was an inmate who had been housed in booking,
15 instead of, for instance, Charlie 4.

16 Q. And how would you describe the emergency response to this
17 incident?

18 A. Well, it was discovered by an officer who was working in
19 booking who did not have a set of keys to get into the cell,
20 had to go to the office for that. There was no sergeant
21 available in booking at the time. It was later determined
22 that there had been a lapse of about three hours without any
23 well-being checks on him, and it should have been done every
24 15 minutes. The nurse who came to booking had to go back to
25 medical to get an AED to try and revive him. He was hanging

1 from a light fixture with a sheet in the holding cell. Part
2 of the problem with housing somebody there, if he was just
3 somebody who was being booked, he would not have been issued a
4 sheet in his holding cell. And that's just a related factor.

5 Q. How would the inmates access the lighting system in
6 booking?

7 A. Well, there are two lights inside each of the larger
8 holding cells. One of them worked, the other one did not.
9 And it had been pulled apart to the extent that he was able to
10 run a sheet up through it and hang from the ceiling.

11 Q. And in this case, was there an AED available?

12 A. No, there was not. They had to go back to medical to get
13 that.

14 Q. In August 2021, was there a death from somebody who might
15 have died of a drug overdose?

16 A. There was -- are we talking about the case that was in
17 housing? We talked previously about a case like that that was
18 in booking. There was a case like that in housing. I think
19 it was housing unit or housing pod Charlie, and an inmate was
20 found to be unresponsive in his cell, and it was thought
21 initially that he died of a drug overdose.

22 Q. Was this incident you're talking about in housing unit
23 C-1?

24 A. Charlie 1, yes, sir.

25 Q. And can you describe whether you had any concerns about

1 the way security dealt with that death?

2 A. If I had any concerns with regard to?

3 Q. How security dealt with that death.

4 A. How security? I'm sorry. I'm missing something.

5 Q. Did you have any -- did that death -- did you form any
6 opinion about whether security properly responded to that
7 death?

8 A. Well, to the best of my recollection, it was not an
9 immediate response to anything. He was not immediately moved
10 to medical. He was notified by an officer -- excuse me, an
11 inmate. It should have been a direct supervision housing
12 unit, so the officer should have been aware of what was going
13 on in the housing unit; instead, it was an inmate who brought
14 it to the officer's attention, and apparently he had been dead
15 for some time.

16 Q. Were there any security issues that contributed to that
17 death?

18 A. Well, it all goes back to staffing. If it was a direct
19 supervision housing unit that was properly staffed and the
20 officer was doing his job as he should have, he would have
21 been on top of that. There may still have been a loss of
22 life, but certainly the notification and action would have
23 taken place much quicker.

24 Q. So how did officers realize that that person had died?

25 A. Another inmate came forward and said that his cellmate

1 was unresponsive.

2 Q. Were safety checks being conducted in that housing unit?

3 A. They're supposed to be. And that's part of the problem.

4 We can't really tell what happened. We don't have a record
5 that reflects.

6 Q. Was there any indication that this person had been dead
7 for a while?

8 A. To the best of my recollection, he had a form of, like,
9 rigor mortis had set in, and, yes, he had been dead for some
10 time.

11 MR. MORISANI: Your Honor, we object to this testimony.
12 He's not qualified to make that statement.

13 MR. CHENG: I think I can follow up on that.

14 THE COURT: Objection overruled. Rephrase your
15 question.

16 BY MR. CHENG:

17 Q. Did you review any of the records associated with this
18 individual's death?

19 A. I'm sure I have, but I'm not completely familiar with all
20 of them at the moment.

21 Q. Okay. If we could bring up Plaintiff's Exhibit 71, and
22 if we could just pace through it. Do you review incident
23 reports when you review the deaths?

24 A. I do when they're made available to me.

25 Q. And do you recognize Plaintiff's Exhibit 71?

1 A. Yes. This incident report explains how the officer, who
2 was helping with the feeding in Charlie 1, was told by an
3 inmate that his roommate was unresponsive and couldn't get up.

4 Q. If we could bring up Plaintiff's Exhibit 72. If we could
5 page through it. All right. Now, do you recognize
6 Plaintiff's Exhibit 72?

7 A. Yes.

8 Q. Now, what is 72?

9 A. Well, the incident report's indicating that an officer
10 responded, that one officer was assisting with feeding.
11 What's not clear is whether there was actually an officer in
12 the housing unit at the time as a unit officer, but the inmate
13 made him aware his roommate was unresponsive. They called for
14 medical and medical responded, and he was ultimately removed
15 from the housing unit.

16 MR. CHENG: We would move for the admission of
17 Plaintiff's Exhibits 71 and 72, Your Honor.

18 THE COURT: Any objection?

19 MR. MORISANI: No objection.

20 THE COURT: P71 and P72 will be received into evidence.

21 (Plaintiff's Exhibits 71 and 72 entered.)

22 BY MR. CHENG:

23 Q. In October of 2021, was there an inmate who was killed by
24 other inmates?

25 A. In October, there was an inmate who was apparently beaten

1 to death by other inmates in Alpha 4.

2 Q. If we could bring up Plaintiff's Exhibit 68. Do you
3 recognize -- well, let's go through it first, page through it.
4 Do you recognize Plaintiff's Exhibit 68?

5 A. Yes.

6 Q. And what is it?

7 A. Okay. We've got an incident report and investigation
8 into the death of an inmate in Alpha 4 who was found hours
9 after he was assaulted. The best estimate based on review of
10 the video and the facts was that it was about nine hours
11 later. During that time frame, there were supposed to be
12 hourly well-being checks conducted. There's no record of
13 that. There were two meals that were served, and that did not
14 bring it to the attention of the officers involved. And there
15 were at least two head counts that occurred during that time
16 frame, so there was a breakdown of procedure across the board.

17 And a review of video showed that the officer in the
18 control room had appeared to go to sleep during the late hours
19 of the night, and that another officer was actually inside the
20 control room, for whatever reason, instead of out on the
21 floor. So it was a bad situation.

22 Q. If we could also introduce Plaintiff's Exhibit 69, and do
23 you recognize Plaintiff's Exhibit 69?

24 A. Yes, sir. These documents tend to reflect and support
25 what I just explained.

1 Q. If we could introduce Plaintiff's Exhibit 70, so if we
2 could hold this for a second on Plaintiff's 70. I think we
3 might have had a little bit of confusion before on my part.

4 Was there a mortality review done for this inmate who was
5 killed by other inmates?

6 A. As I'm looking at the mortality review that was done,
7 names redacted, but I'm -- this is -- this is from August. I
8 thought we were talking about a case for October.

9 Q. So for the individual earlier that we talked about who
10 may have died of a drug overdose, was a mortality review done
11 for him?

12 A. This is reflecting that a mortality review was done for
13 the case in August. A mortality review is separate from an
14 after-action report. A mortality review is done by the
15 medical staff to determine whether there were any
16 medical-related issues involved or things that could have been
17 done differently.

18 In general, we find that a mortality review is basically
19 a one-page, pro forma statement. And the after-action report
20 that I referred to with regard to the case in October that was
21 done by Major Bryan is a much more comprehensive review of all
22 aspects of the incident. It's much lengthier and much more
23 detail involving all personnel involved. And after-action
24 reports are what are generally missing, except in that one
25 case. Mortality review cases are done much more frequently.

1 Q. But for the death in August, the jail's mortality review
2 noted that this detainee had some rigor mortis; is that right?

3 A. I'm sorry. Could you please repeat that?

4 Q. The first paragraph?

5 A. Okay. Rigor mortis. Excuse me. Yes.

6 Q. So earlier we talked about the death of the possible drug
7 overdose.

8 A. Yes.

9 Q. You had mentioned that there were indications that they
10 weren't being checked enough?

11 A. Yes.

12 Q. Was rigor mortis one of the issues that also got brought
13 up?

14 A. I mean, that would indicate that the incident had
15 occurred sometime before and should have been noted sometime
16 before if hourly well-being checks were actually done. And
17 when well-being checks are done, they're supposed to be making
18 sure that everybody is okay, not just counting bodies that may
19 be totally unresponsive.

20 MR. CHENG: So at this time, Your Honor, I'd move to
21 admit Plaintiff's Exhibits 68 through 70.

22 THE COURT: That would be 68, 69, and 70?

23 MR. CHENG: Yes.

24 THE COURT: What says the defendant?

25 MR. MORISANI: No objection.

1 THE COURT: Those exhibits will be received into
2 evidence.

3 (Plaintiff's Exhibits 68, 69, and 70 entered.)

4 BY MR. CHENG:

5 Q. All six of these deaths, were they in the past year?

6 A. Yes, sir.

7 Q. And did you think that those deaths were in any way
8 caused by a lack of staffing or supervision?

9 A. Some of them, certainly.

10 Q. And which ones?

11 A. Suicide in booking, suicide in Charlie 4, assault in
12 Alpha 4.

13 Q. The assault in Alpha 4, which one is that one?

14 A. I can't put the dates on them, but the assault in Alpha 4
15 was -- that was October.

16 Q. Was that the individual who was killed by other inmates?

17 A. Killed by other inmates and dragged in there and then not
18 found until 13 hours later, yeah.

19 Q. And did any of the deaths reflect the inappropriate use
20 of the booking cells?

21 A. Yes, the suicide that I mentioned.

22 Q. Were any of the deaths associated with the failure to
23 implement security and supervision policies?

24 A. Failure to follow policies. They may have been put in
25 place and trained but not followed. With regard to the

1 suicide in Charlie 4, my recollection is the officer involved
2 in that case was ultimately terminated, because the video
3 showed that he had not conducted his well-being checks as his
4 log showed that he had.

5 Q. Were any of the deaths associated with a lack of
6 supervision by sergeants or higher-level supervisors?

7 A. The last case that I just mentioned, there was a sergeant
8 involved who did not take appropriate action when he found the
9 body hanging in the cell in Charlie 4. Instead he ran down to
10 the control room and called booking.

11 Q. What should he have been done?

12 A. He should have cut the inmate down immediately. He may
13 have been dead already, but he should have taken immediate
14 action to make sure that if there was a possibility of saving
15 him, they could have, instead of leaving him there and just
16 making an assumption that he was dead.

17 Q. Do the deficiencies shown by these deaths show an ongoing
18 risk of serious harm to inmates?

19 A. Well, statistically the numbers are -- are frightening,
20 and they reflect that procedures were not followed for various
21 reasons: misuse of holding cells, failure to conduct proper
22 security and well-being checks. Those are two primary issues.

23 Q. If we could introduce Plaintiff's Exhibit 32.

24 THE COURT: You said 32; right?

25 MR. CHENG: Yes, Your Honor.

1 A. Yes, sir. I'm familiar with this.

2 BY MR. CHENG:

3 Q. Do you recognize that plaintiff's exhibit?

4 A. That is the spreadsheet log of assaults that I made
5 reference to earlier. I was talking about making reference to
6 the last four months, but it goes back to 2018.

7 Q. So when you said the numbers are statistically
8 frightening, were you referencing the numbers from this
9 spreadsheet?

10 A. No. Specifically just a moment ago when I made that
11 comment, I was making reference to the number of deaths that
12 occurred in one year that were due to significant problems of
13 misuse of housing areas, failure to follow proper procedures
14 on well-being checks and such. The list of assaults is a
15 different but related matter.

16 Q. So what is Plaintiff's Exhibit 32?

17 A. It's a list of incident reports that reflect assaults of
18 inmates on inmates, inmates on staff, month by month, by
19 location, incident report number, whether somebody was
20 seriously injured, killed, had to be hospitalized, or so
21 forth. So it's a spreadsheet that compiles all of that data.

22 Q. And did you review this material when you were forming
23 your opinion about the level of violence in the jail?

24 A. That's one of the things that I looked at, yes. That
25 document over the past four months reflects, according to my

1 count, 77 assaults that occurred from October through January;
2 that comes out to almost 20 per month. Some of them minor.
3 Some of them very serious, and one of them being a death.

4 MR. CHENG: At this time, I'd like to move in
5 Plaintiff's Exhibit 32, Your Honor.

6 THE COURT: Hold on for one second. Any objection?

7 MR. MORISANI: Your Honor, I just -- the record is not
8 clear who has authored this document. I don't -- it's not
9 clear.

10 MR. CHENG: I believe, Your Honor, this was a document
11 previously noticed to the defendants as a compendium document
12 that was established by the monitor and Mr. Parrish and
13 others, so they had notice of the document before I believe.

14 THE COURT: 32 is a sealed exhibit; is that correct?

15 MR. CHENG: Yes, Your Honor.

16 THE COURT: And who prepared it? The County?

17 MR. CHENG: No. It would have been a compendium of
18 documents that are reviewed by the monitoring team, the
19 assaults and incident reports, and instead of bringing in all
20 the incident reports, we're using it as a compendium. And it
21 had been noticed to the defendants before.

22 THE COURT: Did Mr. Parrish prepare the document, or
23 did one of the other monitors prepare it?

24 THE WITNESS: I did not prepare the document. The
25 monitor prepared it.

1 THE COURT: The monitor prepared it?

2 THE WITNESS: Yes, sir.

3 THE COURT: All right. Any objection?

4 MR. MORISANI: Our objection would just be maybe this
5 is better brought in through the monitor than Mr. Parrish who
6 didn't prepare it.

7 THE COURT: All right. That's what we'll do then. The
8 objection will be sustained as to this witness --

9 MR. CHENG: Yes, Your Honor.

10 THE COURT: -- as far as moving it in as an exhibit.
11 He can testify to what he knows about it.

12 BY MR. CHENG:

13 Q. Mr. Parrish, do they actually have a gang program in the
14 jail?

15 A. No, sir. It was something that they looked at initially
16 when the monitoring process began, but nothing ever came of
17 it.

18 Q. Does the failure to develop a gang program or gang
19 policies create a serious risk of harm in the jail?

20 A. Yes. It's one of the paragraphs that's covered in the
21 settlement agreement as a requirement.

22 Q. Does the failure to develop the direct-supervision
23 policies pose a serious risk of harm to inmates in the jail?

24 A. Yes. That one is particularly important.

25 Q. Does the failure to implement post-incident reviews or

1 action -- after-action reviews pose a risk of serious harm to
2 inmates in the jail?

3 A. After-action reports are critically valuable information
4 that needs to be developed whenever there's a serious incident
5 like that so that the problems can be addressed in the future,
6 so the answer is yes.

7 Q. Does the failure to have supervisors review use-of-force
8 and incident reports pose a serious risk of harm to inmates in
9 the jail?

10 A. Yes, it does. Supervisors need to review every single
11 incident report and particularly those with -- involving use
12 of force to determine whether policy is being followed and
13 whether corrective action needs to be taken or a commendation
14 for doing the right thing.

15 Q. Does the jail have maintenance policies or safety
16 inspection policies?

17 A. Does the jail have maintenance inspection policies? No.

18 Q. Does the jail have a fire safety inspection policy?

19 A. It does not have a fire safety inspection policy. It has
20 a fire safety officer.

21 Q. Who is that officer?

22 A. Mioka Laster.

23 Q. Does the lack of a maintenance inspection policy pose a
24 serious risk of harm to inmates in the jail?

25 A. It adds to the problem, absolutely.

1 Q. Did you ever refer to some of the cells as "trash cells"?

2 A. Yes, I referred to them as trash dumpster cells. They're
3 located in Alpha Pod.

4 Q. And what are those?

5 A. They are approximately 30 cells that have been damaged,
6 and rather than repair them, the County's solution has been to
7 weld the doors shut. Inmates then fill the cells up with
8 trash by throwing in the broken-out windows or sliding it
9 under the door. They become a sanitation issue, a health
10 issue, if you will, and they have been addressed in the past
11 on several occasions.

12 The County during, I think, two site visits back
13 indicated that they were -- during the site visit, which was
14 remote, they were opening up all 30 cells, fixing those that
15 they could, and putting them back online and resealing the
16 others. There were about 19 that were resealed, I was told at
17 that point.

18 Subsequently the Benchmark representative who works
19 directly in the jail, Benchmark Construction, informed me that
20 as of June, there were about 30 trash dumpster cells still in
21 operation. When I went through the facility in January, I
22 went in and did a test sample of one housing unit, Alpha 1.
23 In that particular housing unit, I found seven welded-shut
24 trash dumpster cells. Multiply that out times four, that's
25 28, so his figure is probably pretty close at 30.

1 Q. Does the failure to address the trash dumpster cell issue
2 affect the security of the jail?

3 A. It just certainly adds to the problem. I mean, from an
4 operational point of view, they're short of space, so now we
5 have 30 cells that are shut down and can't be used. That's
6 the equivalent of a whole housing unit. That's 60 beds. And
7 that hurts classification's ability to separate people and put
8 them in the proper places. And from a sanitation point of
9 view and an operational point of view, it's totally
10 counterproductive to a well-run jail. You don't just weld
11 doors shut and seal them up because things are broken. You
12 fix them. And that's an ongoing problem that has yet to be
13 resolved.

14 Q. Now, is there a master plan for building a new jail?

15 A. Yes, sir.

16 Q. Does the master plan address things like how to deal with
17 trash dumpster cells?

18 A. No, that's not something they've addressed at all. I
19 would hope that they would never see anything like that in the
20 future.

21 Q. So you talked earlier about the stipulated order and the
22 master plan. Are there things they should be addressing in
23 the current facilities in terms of physical plant even before
24 they build a new jail?

25 A. Absolutely. They have to, because a new jail isn't going

1 to be coming online for four or five years. A jail takes a
2 good lead time to be built. In the meantime, they have to
3 continue to use their existing facilities, so I use one
4 example.

5 There has been discussion of and plans for padding a
6 safety vestibule going into each of the three control rooms in
7 Alpha, Bravo, Charlie, putting a safety vestibule into master
8 control. Right now there's just a single door. Doing the
9 same thing in the control room in the Jackson Detention
10 Center, which is still going to continue to operate on the
11 ground floor. That's just a single door to get in and out of
12 that control room.

13 Q. How about trying to get trash dumpster cells or other
14 inoperative cells back into operation? Should that be
15 covered?

16 A. That's one of the things that should be covered. What
17 they need to do is list all of the problems that need to be
18 addressed, whether it has to do with fire safety, cameras,
19 doors that don't lock, things we just talked about right now,
20 safety vestibules, sally ports. At the work center there's no
21 such thing as a sally port, so they have to drop the inmates
22 off out on the street and then walk them into the jail, and
23 make a list like that and then prioritize them, say this is
24 the most important thing and we're going to do this first and
25 it's going to be finished by whatever date and then go through

1 each thing like that and then get commitment from the Board of
2 Supervisors that has to provide the money to do it, from the
3 sheriff, from the jail administrator as to getting those
4 things done. And until there's commitment from all of those
5 bodies, all the promises in the world don't mean anything, and
6 that's a very important part of the stipulated order that
7 needs to be accomplished expeditiously.

8 Q. And have you provided recommendations to address these
9 issues before?

10 A. We have not provided a list in priority order. That's
11 for the master planning committee to do. We have listed
12 things that we think are important, such as safety vestibules,
13 a drive-through sally port, a working smoke detector and alarm
14 system, that sort of thing. But it's up to them to decide
15 what order they need to be done in and when they will be done
16 and will they be funded.

17 Q. But did they ever come up with a plan to try to address
18 these things in a priority order?

19 A. No. It's never been done.

20 Q. And if they don't address these types of things in the
21 short term, will solving -- will building a new jail address
22 these problems in the next couple years?

23 A. The short answer is no. A -- if you can't manage your
24 existing facility, just building a new facility is not going
25 to solve the problem. If they don't have sufficient staff to

1 operate it, the inmates will tear it apart as fast as they
2 tear apart Raymond. Those basic things need to be solved. A
3 new building is not necessarily the answer. It would
4 certainly be a much improvement -- it would be a huge
5 improvement over the design of the Raymond Detention Center.
6 I acknowledge it's not a good design. But it has to be
7 operated properly, and until that problem has resolved, just
8 building a new building is going to be very expensive and will
9 give the inmates a lot of new material to destroy.

10 Q. Now, your monitoring team, you've made recommendations,
11 but have the jail administrators or staff reported any of
12 these type of problems as well to their own supervisors?

13 A. Have the jail administrator and staff, officers --

14 Q. Reported these types of problems themselves.

15 A. Indicated that they have problems like I've just
16 described?

17 Q. Yes.

18 MR. MORISANI: Your Honor, I object, calls for
19 speculation.

20 BY MR. CHENG:

21 Q. Only if you know, Mr. Parrish.

22 THE COURT: I'm sorry. Hold on. Objection is
23 overruled. You may re-ask -- ask your question again, though.

24 BY MR. CHENG:

25 Q. Have jail administrators and staff reported these same

1 types of problem as well to their supervisors?

2 A. Yes. During each of our site visits, we talk with people
3 at all levels, as we indicated earlier, and certainly they
4 have to live with it every day, and they make us aware of
5 major issues that they have. Sometimes as a result of
6 questions that we ask; other times it's just because they see,
7 hear somebody who's looking at what our issues are, and they
8 volunteer information. And from command staff and the
9 administrators, we certainly get a straight-up reporting each
10 time we do a site visit.

11 Q. Did the staff ever stage a walkout at the jail in the
12 last several months?

13 A. Yes. Back on November the 13th of 2021, I received a
14 call from a sergeant. It was on a Saturday, I believe, and he
15 indicated that the officers had reported to work at the
16 Raymond Detention Center but refused to go inside the facility
17 to work. They were standing out front and wanted to talk to
18 command staff. The interim sheriff responded, the jail
19 administrator responded, spent quite a bit of time talking
20 with them out there. They submitted a list of concerns, some
21 of the things that we heard about earlier, such as salaries,
22 direct deposits, and so forth, and a step plan, radios, on and
23 on.

24 And in the meantime, that same sergeant called me back
25 again to inform me that he was one of only three people

1 actually working inside the jail at the time. So we had two
2 officers and a sergeant taking care of a 600-bed facility and
3 nobody else inside. That was a dangerous situation.

4 Q. If we could introduce Plaintiff's Exhibit 24. Do you
5 recognize Plaintiff's Exhibit 24?

6 A. Yes, sir. This is the detention needs and concerns.
7 This is the list, and it covers things like radios, signal
8 boosters, handcuffs and shackles, chemical agents, locks,
9 cleaning supplies -- that's a constant complaint that we don't
10 have adequate cleaning supplies from staff -- shortage of
11 staff, heaters -- that's one I have not heard about -- chairs
12 for staff to sit in, so forth. It was a long list of things
13 that they wished to be addressed.

14 Q. Are these long-standing demands of people --

15 A. Well, some of them obviously are, and some of them are
16 based on more current events.

17 Q. You mentioned earlier something about a career ladder or
18 step pay. Has anyone ever proposed a career ladder or step
19 pay plan?

20 A. That goes back about three years and back under -- I
21 think it was Sheriff Vance who actually pushed that request
22 through, but I don't know in what form, to the Board of
23 Supervisors, but it never got off the ground.

24 Q. What happened to Sheriff Vance?

25 A. Sheriff Vance passed away of COVID.

1 MR. CHENG: At his time, Your Honor, I'd like to move
2 to admit Plaintiff's Exhibit 24.

3 THE COURT: Any objection?

4 MR. MORISANI: No objection, Your Honor.

5 THE COURT: P24 will be received in evidence.

6 (Plaintiff's Exhibit 24 entered.)

7 BY MR. CHENG:

8 Q. If we could introduce Plaintiff's Exhibit 21.
9 Mr. Parrish, do you recognize -- do you recognize Plaintiff's
10 Exhibit 21?

11 A. Yes, sir. This is the step plan that I referred to that
12 was proposed.

13 Q. And so has that step plan ever been approved by the
14 board?

15 A. No.

16 Q. Did you hear earlier something about a five percent pay
17 increase?

18 A. Yes.

19 Q. So how long did it take -- well, let me ask you: Do you
20 know, when did you first hear about a proposed five percent
21 pay increase for the staff?

22 A. That goes back to the term of Sheriff Vance as well.

23 Q. And how long did it take to get the five percent pay
24 increase implemented?

25 A. Probably a year.

1 Q. And would that five percent pay increase make the
2 detention officer pay competitive enough to stabilize
3 staffing?

4 A. It raises it to approximately \$31,000 entry level, which
5 is better than what it was when we started the monitoring
6 process. At that point it was in the neighborhood of 27,5 to
7 28,000. This makes it somewhat comparable to what the
8 Mississippi Department of Corrections pays. We'll have to see
9 whether that's going to make a sufficient difference.

10 Q. Does raising pay alone remedy the staffing and
11 supervision issues?

12 A. No. Part of it becomes almost a self-fulfilling prophecy
13 in that when the public becomes aware of violent and dangerous
14 working conditions within the jails, it tends to push
15 candidates away. Why would one want to take a job where it's
16 dangerous when you could just as easily go to some fast-food
17 or commercial agencies and get a job where you're not facing
18 things like that?

19 Q. And the most recent time you assessed these issues, what
20 was the turnover rate for the jail staff?

21 A. The turnover rate has been in excess of 25 percent
22 routinely.

23 Q. And what is the vacancy rate?

24 A. The vacancy rate depends upon how you measure it. I
25 mean, back when there were 281 authorized positions and there

1 were 205 people actually on board, that was almost a third of
2 the work force was not filled.

3 Q. How about most recently compared to then?

4 A. Well, right now it depends upon how you measure it. If
5 you abolish a lot of the funded positions and now have only
6 233, the vacancy rate looks better, but the reality is that
7 there are few people than ever before, so that's not really an
8 accurate way to measure it anymore.

9 Q. So comparing it with the number of staff recommended in
10 the staffing analysis, what is their vacancy rate right now?

11 A. Say 329 for both facilities minus all of Alpha Pod, and
12 there's 199, that leaves you well over 100 vacancies, which
13 means well over 33 percent vacancy.

14 Q. Does the consent decree have a presumption based upon the
15 vacancy rates at the jail?

16 A. The paragraph talk about the vacancy rate and also the
17 turnover rate. So there are sections in the paragraph that
18 apply to both.

19 Q. So in all the years you've been at the jail, have their
20 vacancy and turnover rates exceeded the presumptions under the
21 consent decree?

22 A. Yes, they have always exceeded it.

23 Q. So under the consent decree, is there a presumption that
24 those rates are high enough that the jail is considered
25 unsafe?

1 A. Based on what's in the settlement agreement, it's lack of
2 compliance, yes.

3 Q. So leaving aside the consent decree, do you consider the
4 turnover and vacancy rates at the jail to be high?

5 A. Yes.

6 Q. And do you think those high rates are creating a
7 dangerous situation in the jail?

8 A. They create a dangerous situation for both inmates and
9 staff, as I've indicated before. It affects both parties.

10 MR. CHENG: At this time, Your Honor, I'd move to admit
11 Plaintiff's Exhibit 21.

12 THE COURT: Any objection?

13 MR. MORISANI: No objection, Your Honor.

14 THE COURT: P-21 will be received into evidence.

15 (Plaintiff's Exhibit 21 entered.)

16 BY MR. CHENG:

17 Q. Now, we've talked a lot about security and staffing, sort
18 of the law enforcement/detention officer side of the jail.

19 Are there more positive ways of managing the behavior of
20 inmates rather than just using security or supervision?

21 A. Are there more ways of managing inmates?

22 Q. Well, let me phrase it differently. In running a jail
23 and trying to deal with the inmate behaviors, are there
24 positive behavioral approaches to dealing with inmates?

25 A. Yes. And when housing conditions are normalized, to the

1 extent possible, through utilization of direct supervision, it
2 becomes possible for the officer in the housing unit to become
3 a mentor for the inmates. Inmates can have such benefits as
4 maybe a coffee machine or a microwave, access to different
5 things, normal furnishings, ordinary -- jail-quality but
6 ordinary tables and chairs that are movable as opposed to the
7 huge steel things that are bolted to the floor. All of those
8 things tend to normalize the daily life of the inmates, and it
9 takes the pressure off of everything. It doesn't mean that
10 everything is going to be wonderful.

11 When you arrest a lot of people who have violated the law
12 on the street and put them all together in one place, it's not
13 suddenly magic they're all going to behave because of direct
14 supervision, but it's much easier to manage and prevent
15 problems from escalating in a direct-supervision environment.

16 Q. Would providing recreation be a positive behavioral
17 approach to --

18 A. Recreation should be able on a daily basis as needed for
19 inmates. Unfortunately, the design of the Raymond Detention
20 Center and the work center make housing units to share rec
21 yards. Each housing unit should have its own rec yard. It
22 should be an integral part of that housing unit. I hope
23 that's something they design into their new facility. That
24 makes management so much easier it's one more thing to be able
25 to go outside and get some fresh air, to have a cover over

1 part of it so in the event of rain, you can still get some
2 fresh air and not get soaked, and that's the kind of thing
3 that needs to be in place to help alleviate the situation, to
4 help reduce the tension level to make the job of the officer
5 easier and to make daily interaction of inmates more normal.

6 Q. Under the new sheriff, have they allowed the use of
7 Tasers that would violate the use-of-force policies?

8 A. Yes. I've never seen anything in writing about it, but I
9 have been told and I saw firsthand that a number of
10 upper-level supervisors were carrying Tasers when I went
11 through in January.

12 Q. Has any officer misused the Taser?

13 A. Has any officer used a Taser?

14 Q. Misused the Taser.

15 A. Misused. Yeah. I pointed out one example of an
16 investigator who used a Taser to coerce an inmate into putting
17 his hands behind his back so he could be handcuffed. He was
18 laying flat on his face on the ground, and nobody ever did
19 anything about that with internal affairs, so we provided them
20 with a copy of the incident report and said that's something
21 you should certainly take a look at. Here's the investigator
22 who's looking into criminal problems within the jail and he
23 abuses the use-of-force policy by using a Taser in a coercive
24 manner to put your hands behind my back while he has
25 supervisors up to the rank of captain standing around him.

1 Q. In addition to requiring general staffing improvements,
2 does the consent decree also have provisions to improve the
3 leadership of the jail?

4 A. Yes. We've recommended that they take care -- take
5 advantage of the resources that are available through NIC,
6 ACA, and AJA in particular, and that was recommended, but
7 funding has not been made available yet to provide that kind
8 of training to the very top command staff, captains and
9 assistant jail administrator.

10 Q. Does the consent decree require hiring a qualified jail
11 administrator?

12 A. Yes.

13 Q. And why is it necessary to have a qualified jail
14 administrator to improve security at the jail?

15 A. It's necessary to have enlightened leadership as opposed
16 to someone who is in that position just based on seniority and
17 this is the way we've always done it, so that's what we're
18 going to continue to do. Good leaders are those that have a
19 combination of education, experience, and forward thinking,
20 and that's what the settlement agreement calls for.

21 Q. And does it help to have good middle-level managers as
22 well at the jail to implement the consent decree?

23 A. Certainly. When there's a breakdown somewhere in the
24 chain of command, it destroys everything. I mean, the command
25 level may have the best intentions, the best knowledge,

1 starting the best programs. If it breaks down somewhere in
2 between, what the front-line officers know is exactly what's
3 passed on to them by the level above, and so it's important
4 that everyone in the chain of command be on the same page.

5 Q. Did you ever see the resignation letter from Ms. Bryan,
6 the jail administrator?

7 A. Yes.

8 Q. If we could introduce Plaintiff's Exhibit 13. Do you
9 recognize Plaintiff's Exhibit 13?

10 A. I do.

11 Q. And what is Plaintiff's Exhibit 13? What is Plaintiff's
12 Exhibit 13?

13 A. Oh, excuse me. The letter of resignation from Major
14 Bryan dated November the 10th indicating that because of
15 concerns she had, she was giving notice that she would resign
16 effective February the 10th, 2022, but in the interim she
17 would continue to perform her duties as necessary.

18 Q. Did Major Bryan's resignation cause you any concerns
19 about the leadership being provided by the defendants?

20 A. Well, this was done when we had an interim sheriff, and
21 she backed this letter of resignation up with a number of
22 documents which reflect why she had come to this decision,
23 which included the fact that she was not getting the staffing
24 support that she needed to operate the jail, that they were
25 required to accept people into the jail who had medical issues

1 that were being turned down by medical and yet was overridden
2 and told to take that person in. That's contrary to policy,
3 and she said, I'm supposed to be able to manage the jail, and
4 that's why she submitted her resignation.

5 Q. Would admitting somebody into the jail even though the
6 policy says not to, would that pose a risk of serious harm to
7 those inmates?

8 A. Certainly. That's why the policy's in place, and it can
9 be badly abused. I -- we actually had the Tampa Police
10 Department try to deliver an inmate to us in central booking
11 at the Orient Road Jail one time who was dead, and they passed
12 him off as being passed out. We don't take somebody who's
13 unconscious. We don't take somebody who's got serious medical
14 issues. Any jail needs to operate that way. That was built
15 into the policy that was issued here on booking procedures and
16 acceptance, and medical staff and jail staff were trying to
17 follow that when they were overridden from above and told take
18 this person in regardless.

19 Q. And who overruled Major Bryan and forced her to admit the
20 person with medical issues?

21 A. I'd have to go back and look at it, but I think the
22 document that I looked at showed a signature from the
23 undersheriff.

24 MR. CHENG: I'd like to move at this time the admission
25 of Plaintiff's Exhibit 13.

1 THE COURT: Any objection?

2 MR. MORISANI: Yes, Your Honor. We object on the
3 grounds that it's not clear from the first page that all this
4 other stuff was attached to this letter, and I don't think --
5 maybe getting ahead of myself, but it may not -- this witness
6 may not be able to testify to that. It's not his letter.

7 THE COURT: What does the letter say? I'm in search of
8 reference to any attachments.

9 MR. MORISANI: It does not -- the letter does not
10 reference any attachments, and yet there are several various
11 attachments to this letter that's presented to us by
12 plaintiff's counsel.

13 THE COURT: What does the Government say about that?

14 MR. CHENG: Your Honor, first it's a party-opponent
15 admission. Secondly, if you look on page 2 of the letter,
16 there are numerous internal citations.

17 THE COURT: Hold on. Is this something that the
18 monitors reviewed in preparing either their interim report or
19 report number 15? Is this something they reviewed to prepare
20 for this?

21 MR. CHENG: Yes, Your Honor, I believe so, but also if
22 you look at the letter itself, it references the attachments.
23 See incident 2152, 211512, reference to policy 6100, so
24 clearly the letter came with attachments, and they're
25 referenced directly in the letter.

1 MR. MORISANI: Your Honor, if I may just briefly
2 respond to that?

3 THE COURT: Hold on. Hold on.

4 MR. MORISANI: Yes, sir.

5 THE COURT: The letter of resignation is two, three
6 paragraphs long; right? That's the letter of resignation.
7 That's what you're asking about?

8 MR. CHENG: No, Your Honor. It's actually several
9 pages long. If you look at the exhibit, Plaintiff's 13.

10 THE COURT: It's a one-page letter of resignation.
11 That's what you asked him about; right? That's what you asked
12 him about, the letter of resignation?

13 MR. CHENG: My apologies. Yes, you're right.

14 THE COURT: Okay. So I realize what is P13 is the
15 letter of resignation, and then page 2 of that is what and
16 page 3? I mean, I see it's something submitted, written,
17 signed off on by Kathryn Bryan, but what is it?

18 MR. CHENG: Well, let me see.

19 BY MR. CHENG:

20 Q. Mr. Parrish, did Ms. Bryan also write a letter explaining
21 what happened with the admission of the medically ill
22 detainee?

23 A. There's a backup to this. It doesn't start out with a
24 header, but it's on sheriff's office stationery which explains
25 that and then is signed off as well. I can't speak as to

1 format of her letter.

2 Q. Did you have a chance to review that letter as well --
3 that part of the letter as well?

4 A. Yes.

5 Q. And did that help form your opinion about what happened
6 with Ms. Bryan's departure from the jail?

7 A. That's what generated her resignation letter initially
8 under the previous sheriff, yes, the interim sheriff.

9 Q. So when she submitted her one-page resignation letter,
10 did she also explain -- did you have some reason to believe
11 she explained why she had to submit a letter of resignation?

12 A. When I got this information to look at, the backup
13 material came with it. I don't know in what form it was
14 delivered to the sheriff.

15 Q. Did the information come from the sheriff's department?

16 A. Everything that we get comes through the compliance
17 coordinator.

18 Q. So when you were told -- when you were given information
19 indicating that Major Bryan was resigning, this additional
20 material was provided with it as well from the sheriff's
21 department?

22 A. Yes.

23 THE COURT: Okay. Any now -- okay. Any objection,
24 Mr. Morisani?

25 MR. MORISANI: We do object, Your Honor, and I'll state

1 it briefly. The letter -- November 10th letter may be a
2 standalone letter. We don't know, and this is not the witness
3 to tell us that. Secondly, what they're purporting as the
4 second letter is not addressed to anyone. It's just a
5 document attached to this. The page numbers are DOJ page
6 numbers, so can't really go by that. And then on top of that,
7 again, there's a better witness to get this -- to look at this
8 document. It's odd that they're trying to get it in through
9 this witness.

10 THE COURT: I will sustain the objection with respect
11 to all --

12 MR. CHENG: Your Honor, just should mention that the
13 attachment to it is also dated November 10th. I mean, it's
14 clearly meant to be contemporaneous, and, you know, if it
15 comes from the defendants themselves explaining the situation,
16 it should be an admission at least.

17 THE COURT: Well, I guess the question would be show it
18 to the witness and ask him if he's reviewed it in preparation
19 of his testimony today. Has he? I don't know.

20 MR. CHENG: Okay.

21 BY MR. CHENG:

22 Q. Mr. Parrish, did you review these materials in
23 preparation for your testimony today?

24 A. Yes, sir. That's what I explained earlier, that I looked
25 at it.

1 Q. And when you drew conclusions about the leadership of the
2 jail, did you consider this material in forming your opinion?

3 A. Yes.

4 THE COURT: Okay. All right. I'm going to allow him
5 to -- I'm going to admit them. I imagine they're going to
6 come in through Kathryn Bryan as well and somebody else. They
7 are the documents that -- well, we believe they're the
8 documents that belong to the defendants anyway.

9 (Plaintiff's Exhibit 13 entered.)

10 MR. CHENG: If we could bring up Plaintiff's
11 Exhibit 14.

12 THE COURT: We're about to move to a different exhibit?

13 MR. CHENG: Yes.

14 THE COURT: Okay. It's after 5:00. This is a good
15 place to end it for the day. But before we do, I want to make
16 sure -- my notes show that you did not, Mr. Cheng -- my
17 notes -- I'm going to have to get with Ms. Summers, too, but I
18 just want to make sure you did not move to admit 68 and 69 --
19 oh, he did? 68, 69, and 70 got in; right?

20 MS. SUMMERS: Yes, sir.

21 THE COURT: Okay. Sorry about that. Did you move to
22 admit 32?

23 MR. CHENG: No, Your Honor.

24 THE COURT: Okay. All right.

25 MR. CHENG: Well, we moved it. It wasn't admitted.

1 I should mention one thing. I believe the health
2 service administrator, Ms. Ebbonie Taylor-Winfield, may be in
3 the audience. I wasn't sure if that needs to be addressed.

4 THE COURT: I presume that -- I know you're concerned
5 about these witnesses. I take it that the Government -- I
6 mean, we may not hear from any witnesses from the County. I'm
7 not tipping their hand for you, but if these people are coming
8 in and they know them, these attorneys know what their
9 obligations are.

10 MR. CHENG: Yes, Your Honor. We just want to make a
11 note of it. It will be fine, I'm sure.

12 THE COURT: Yeah. I don't know if you've listed any of
13 them in your --

14 MR. CHENG: We have not.

15 THE COURT: -- version of the pretrial order. Okay.
16 As may calls or anything; right? Okay. All right.

17 MR. CHENG: Correct.

18 THE COURT: All right. Well, Mr. Parrish, you may step
19 down.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: We're wrapping up our first day. It's a
22 tedious process, I understand. And, again, I will not step on
23 the parties' feet in any way in the presentation of the case,
24 because it was important to all sides to make sure everything
25 is covered. We will -- Mr. Parrish 's testimony will resume

1 at 9:00 a.m. tomorrow morning. That concludes all that we
2 have today. If by chance there's something that arises among
3 or with the parties that we need to take care of before --
4 before we begin, please e-mail chambers, call chambers,
5 because we are generally here very early in the morning. And
6 we can take care of things by, you know, 8:15, 8:30, or
7 whatever we need to do. But I would like to get the testimony
8 started again at 9:00.

9 That's all that I have. Take advantage of whatever is
10 left of this Valentine's Day.

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COURT REPORTER'S CERTIFICATE

I, Candice S. Crane, Official Court Reporter for the United States District Court for the Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the forenamed case at the time and place indicated, which proceedings were stenographically recorded by me to the best of my skill and ability.

I further certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

THIS, the 15th day of February, 2022.

/s/ Candice S. Crane, RPR CCR

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